

RESOLUTION

Resolved: The United States federal government should substantially increase its non-military exploration and/or development of the Earth's oceans

VIOLATIONS

VIOLATION – CREATE IS NOT AN INCREASE

T – not an increase

A. The plan is not an increase – it's creation

Increase means make greater

Meriam Webster 13 <http://www.merriam-webster.com/dictionary/increase>

in·crease verb \in-'krēs, 'in-\ in·creased in·creas·ing

Definition of INCREASE intransitive verb

1: to become progressively greater (as in size, amount, number, or intensity)

2: to multiply by the production of young

transitive verb

1: to make greater : augment

2 obsolete : enrich

The plan creates a whole new area of exploration / development. Increase does not include create

Words and Phrases '59 vol 20A p 381

“Increased,” as used in West’s Ann.Cal. Const. art 12, §11, providing that the stock and bonded indebtedness of corporations shall not be increased without the consent of the person holding the larger amount of the stock, does not include or apply to the first creation of bonded indebtedness. To give it such a meaning would be to inject into the provision the word “create.” Union Loan & Trust Co. v. Southern California Motor Road Co., 51 F 840,850

B. The affirmative interpretation is bad for debate

Limits are necessary for negative preparation and clash. Adding to existing efforts provides a finite set of cases. Creation unlimits. There are limitless possibilities.

Swaminathan 3 Dr K V Swaminathan, Waterfalls Institute of Technology Transfer (WITT) February 2003 Ocean Vistas http://www.witts.org/Ocean_wealth/oceanwealth_01_feb03/wista_oceanwealth_feture.htm

The oceans cover nearly two-thirds of the world's surface area and have profoundly influenced the course of human development. Indeed the great markers in man’s progress around the world are in a large measure the stages in his efforts to master the oceans.

Nations and people who are conscious of the **almost limitless** potential of the oceans. Those who have sought to comprehend its deep mysteries, processes and rhythms and have made efforts to explore and utilize its resources, stand in the van of progress, while those who have been indifferent to the critical role that oceans play in human life and its development, have remained mired in stagnation and backwardness.

C. T is voter because it's necessary for good, well-prepared debating

VIOLATION- ENVIRONMENTAL PROTECTION / SUSTAINABLE DEVELOPMENT NOT INCREASE

T – not an increase

A. Increase means the plan must mandate more development

Increase means make greater

Meriam Webster 13 <http://www.merriam-webster.com/dictionary/increase>

in·crease verb \in-ˈkrēs, ˈin-ˌ\ in·creased in·creas·ing

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Increase excludes decrease

Words and Phrases 8 vol 20B p 264

U.S. Ct. Cl. 1919 Act March 4, 1909, § 2, 35 Stat. 1065 authorizing the Secretary of the Treasury to "increase" and "fix" compensation of inspectors of customs, as he may think advisable, not to exceed a certain amount, gives no power to decrease compensation: "fix" being controlled by "increase." Cochnower v. United States, 39 S.Ct. 137, 248 U.S. 405, 63 L.Ed. 328, modified 39 S.Ct. 387, 249 U.S. 588, 63 L.Ed. 790 – Cust. Dut. 60.

B. Violation – the plan restricts development

Ocean development means commercial action, not preservation

Underhill 7 Stefan R. Underhill, United States District Judge. STATE OF CONNECTICUT and ARTHUR J. ROCQUE, JR., COMMISSIONER OF THE CONNECTICUT DEPARTMENT OF ENVIRONMENTAL PROTECTION, Plaintiffs, v. UNITED STATES DEPARTMENT OF COMMERCE and THE HONORABLE DONALD L. EVANS, IN HIS CAPACITY AS SECRETARY OF COMMERCE, Defendants, ISLANDER EAST PIPELINE COMPANY, LLC, Intervenor Defendant. CIVIL ACTION NO. 3:04cv1271 (SRU) UNITED STATES DISTRICT COURT FOR THE DISTRICT OF CONNECTICUT 2007 U.S. Dist. LEXIS 59320 August 15, 2007, Decided lexis

The term "develop" is not defined in the statute, and there is a dearth of case law on the subject. In the "absence of statutory guidance as to the meaning of a particular term, it is appropriate to look to its dictionary definition in order to discern its meaning in a given context." Connecticut v. Clifton Owens, 100 Conn. App. 619, 639, 918 A.2d 1041 (2007). There are various definitions of the term "develop," some of which connote commercial and industrial progress, and some of which imply natural growth. See BLACK'S LAW DICTIONARY 462 (7th ed. 1999); WEBSTER'S NEW COLLEGE DICTIONARY 310 (2d ed. 1995). Having gained no clear answer from the dictionary, words must be given their "plain and ordinary meaning . . . unless the context indicates that a different meaning was intended." Connecticut v. Vickers, 260 Conn. 219, 224, 796 A.2d 502 (2002). [*19] Here, the plain meaning of the term "develop" includes commercial improvement. Connecticut argues, in effect, that by placing the term "develop" in the context of other terms, such as "preserve, protect, and restore," the definition of "develop" must have a natural conservationist meaning. That argument is not supported by the legislative history of the CZMA. Congress intended the CZMA to balance conservation of environmental resources with commercial development in the coastal zone. See, e.g., COASTAL AND OCEAN LAW at 229. In fact, in the context of the CZMA, the term "develop" has been defined to mean commercial improvement. Id. ("[T]he CZMA reflects a competing national interest in encouraging development of coastal resources."). See also Conservation Law Foundation v. Watt, 560 F. Supp. 561, 575 (D. Mass. 1983) (noting that the CZMA recognizes a wide range of uses of the coastal zones, including economic development).

Sustainable development reduces development

UN 11 UN Conference on Sustainable Development (Rio+20) 2011 An inter-agency paper towards the preparation of the Blueprint for ocean and coastal sustainability http://www.unesco.org/new/fileadmin/MULTIMEDIA/HQ/SC/pdf/interagency_blue_paper_ocean_rioPlus20.pdf

SIDS expect Rio+20 to provide support for sustainable ocean development and protection of resources. Measures could include actions to reduce fishing overcapacity, to establish MPAs, enhance and support local coastal management efforts, improve wastewater treatment as well as solid waste management and recycling. Significantly, capacity development could take place through SIDS-SIDS partnerships based on the sharing and consolidation of unique SIDS approaches to coastal management; such as the Pacific Locally Managed Marine Areas (LMMA) network, the recognition and transmission of local and indigenous knowledge and customary management of the coastal environment, and community participation in scientific coastal monitoring, management and decision-making as practiced in UNESCO's Sandwatch programme.

C. The affirmative interpretation is bad for debate

Limits are necessary for negative preparation and clash. The aff unlimits by making every action topical – both increases in development and decreases in development.

D. T is voter because it's necessary for good, well-prepared debating

VIOLATION – REMOVE A BARRIER NOT TOPICAL

T – not an increase

A. The plan itself must be an on-face increase

Increase means to make greater

Meriam Webster 13 <http://www.merriam-webster.com/dictionary/increase>

in·crease verb \in-ˈkrēz, ˈin-, \ in·creased in·creas·ing

Definition of INCREASE

intransitive verb

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Increase must be the the action of the plan, not just its result – the increase cannot be by effects

HEFC 4 (Higher Education Funding Council for England, “Joint Committee on the Draft Charities Bill Written Evidence”, June, <http://www.publications.parliament.uk/pa/jt200304/jtselect/jtchar/167/167we98.htm>)

9.1 The Draft Bill creates an obligation on the principal regulator to do all that it "reasonably can to meet the compliance objective in relation to the charity".[45] The Draft Bill defines the compliance objective as "to increase compliance by the charity trustees with their legal obligations in exercising control and management of the administration of the charity".[46] 9.2 Although the word "increase" is used in relation to the functions of a number of statutory bodies,[47] such examples demonstrate that "increase" is used in relation to considerations to be taken into account in the exercise of a function, rather than an objective in itself. 9.3

HEFCE is concerned that an obligation on principal regulators to "increase" compliance per se is unworkable, in so far as it does not adequately define the limits or nature of the statutory duty. Indeed, the obligation could be considered to be ever-increasing.

B. The plan violates

The plan itself does not increase. On-face, it does no more than remove a barrier to development / exploration. Any increase is only by effects

[for example, removes state zoning restriction on off shore wind turbines]

C. The affirmative interpretation is bad for debate

Limits are necessary for negative preparation and clash. They unlimit by depending on effects.

Everything affects the ocean development / exploration

Timmons 12 Bob Timmons, Artist - Author – Speaker, the Artist for the Ocean October 21, 2012 Ocean Guardians

<http://oceanguardians.com.au/artist-for-the-ocean-bob-timmons/>

Everything is connected and everything affects the ocean in the end since its majority of the planet's surface and subsurface.

D. T is voter because it's necessary for good, well-prepared debating

VIOLATION – INCENTIVES NOT TOPICAL

T- incentives are not topical

A. Incentives violate several terms

1. Not increase – increase requires an actual increase, but incentives depend on effects

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2. Not its -- Its means the increase must be done by the USFG, but under the plan others take the action to increase

Words and Phrases ‘6 vol 22B p 524

C.C.A.5 (Tex.) 1935. Where corporation transferred all its assets, including large profits, to newly organized corporation in exchange for capital stock, and transfer was treated as reorganization under which no gain or loss was to be recognized, profits in hands of newly organized corporation held taxable as "its earnings or profits," within revenue act providing that term "dividend" means any distribution made by corporation to its shareholders whether in money or other property out of "its earnings or profits" accumulated after February 28, 1913; word "its" being possessive pronoun indicating that earnings and profits belong to corporation. Revenue Act 1926, § 201(a), 26 U.S.C.A. (I.R.C.1939) § 115.—Murchison's Estate v. C.I.R., 76 F.2d 641.—Int Rev 3747.

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Everything affects the ocean development / exploration

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Everything is connected and everything affects the ocean in the end since its majority of the planet's surface and subsurface.

They also unlimit by multiplying the topic by the huge number of private entities and by the different kinds of incentives.

Moran, 86 (Theodore, Investing in Development: New Roles for Private Capital?, p. 28)

Guisinger finds that if "incentives" are broadly defined to include tariffs and trade controls along with tax holidays, subsidized loans, cash grants, and other fiscal measures, they comprise more than forty separate kinds of measures. Moreover, the author emphasizes, the value of an incentive package is just one of several means that governments use to lure foreign investors. Other methods—for example, promotional activities (advertising, representative offices) and subsidized government services—also influence investors' location decisions. The author points out that empirical research so far has been unable to distinguish the relative importance of fundamental economic factors and of government policies in decisions concerning the location of foreign investment—let alone to determine the effectiveness of individual government instruments.

C. T is a voter because it's necessary for good, well-prepared debating

VIOLATION – INTERNATIONAL COOPERATION NOT ITS

T – not its

A. The plan must be exclusively under US control

Possessive pronouns show ownership

Using English 13 , <http://www.usingenglish.com/glossary/possessive-pronoun.html>)

Mine, yours, his, hers, its, ours, theirs are the possessive pronouns used to substitute a noun and to show possession or ownership.
EG. This is your disk and that's mine. (Mine substitutes the word disk and shows that it belongs to me.)

Possessive pronouns are terms of exclusion

Frey 28 (Judge – Supreme Court of Missouri, Supreme Court of Missouri, 320 Mo. 1058; 10 S.W.2d 47; 1928 Mo. LEXIS 834, Lexis)

In support of this contention appellant again argues that when any ambiguity exists in a will it is the duty of the court to construe the will under guidance of the presumption that the testatrix intended her property to go to her next of kin, unless there is a strong intention to the contrary. Again we say, there is intrinsic proof of a [*1074] strong intention to the contrary. In the first place, testatrix only named two of her blood relatives in the will and had she desired [***37] them to take the residuary estate she doubtless would have mentioned them by name in the residuary clause. In the second place, if she used the word "heirs" in the sense of blood relatives she certainly would have dispelled all ambiguity by stating whose blood relatives were intended. Not only had [**53] she taken pains in the will to identify her own two blood relatives but she had also identified certain blood relatives of her deceased husband. Had it been her intention to vest the residuary estate in her blood relatives solely, she would certainly have used the possessive pronoun "my" instead of the indefinite article "the" in the clause, "the above heirs."its is geographical

B. The plan violates

Cooperation requires sharing ownership of the program

Carrillo 13 Susana Carrillo & Napoleão Dequech Neto, Institute for the Integration of Latin America and the Caribbean
Boosting Vocational Training and Skills Development January 2013
<http://idbdocs.iadb.org/wsdocs/getdocument.aspx?docnum=37888185>

The Triangular Cooperation agreement among Brazil, Germany, and Peru to support vocational training and skills development shows that Triangular Cooperation succeeds when the institutions involved share ownership and the same strategic interests, and perceive mutual benefits as a result of the partnership. The positive institutional relationship among SENAI, SENATI, and GIZ has provided a strong base for the implementation of the Triangular Cooperation agreement and establishment of the CTA. The three parties worked in close collaboration to establish the Center with the goal of building a trained skill base to serve the needs of industries on issues related to environmental protection and clean production. SENATI will assume full responsibility for the management of the Center at the end of the triangular project, at which point the parties involved will be able to evaluate results and impact. This initiative is clearly grounded in a solid partnership in strategic areas of interest for all partners and with benefits for the industrial sector. For these reasons, the CTA could become a center of excellence in its field and a knowledge hub in the region.

Multilateralism reduces national control

Weiss 5 Joseph Weiss Universidade de Brasilia 2005 Contradictions of International Cooperation in the Amazon: Why is the nation-state left out? http://www.ispn.org.br/arquivos/bb_.pdf

Sajar and VanDeveer (2005) make clear that while environmental capacity-building attracted multilateral organization attention again in the late 1990s, it was defined, when applied, to transfer ineffective North models to the South to make success more likely for programs defined by the North. By allowing for NGO participation, national governments are often left with reduced control or power.

C. The affirmative interpretation is bad for debate

Limits are necessary for negative preparation and clash. The affirmative unlimits by permitting other nations, alliances, and international organizations to operate under the plan. We could never be ready for all the possibilities.

D. T is voter because it's necessary for good, well-prepared debating

VIOLATION – SPECIFIC LOCATIONS NOT TOPICAL

T – specified location is not topical

A. Specified location violates

Under our interpretation, the aff cannot mandate specific sites of development or exploration. They can specify what is done in their definitions of exploration and development, but how it is done depends on other terms in the topic. For example, they could define development as oil drilling, but they cannot topically limit that drilling to a particular location.

1. Not substantially increase – substantially must be across the board

Anderson et al 5 Brian Anderson, Becky Collins, Barbara Van Haren & Nissan Bar-Lev, Wisconsin Council of Administrators of Special Services (WCASS) Committee Members. 2005 WCASS Research / Special Projects Committee* Report on: A Conceptual Framework for Developing a 504 School District Policy <http://www.specialed.us/issues-504policy/504.htm#committee>
The issue “Does it substantially limit the major life activity?” was clarified by the US Supreme Court decision on January 8th, 2002, “Toyota v. Williams”. In this labor related case, the Supreme Court noted that to meet the “substantially limit” definition, the disability must occur **across the board** in multiple environments, not only in one environment or one setting. The implications for school related 504 eligibility decisions are clear: The disability in question must be manifested in all facets of the student’s life, not only in school.

2. Not in oceans plural -- as a count noun, oceans plural refers to more than one of the individual oceans

Merriam-Webster 14 Merriam-Webster Learner's Dictionary 2014

<http://www.learnersdictionary.com/definition/ocean>

ocean. Listen to audio/'oʊʃən/ noun

plural oceans

1 [noncount] : the salt water that covers much of the Earth's surface

▪ We've sailed across hundreds of miles of ocean. — often used with the ▪ They lived near the ocean. [=the sea] ▪ He had never seen the ocean before. ▪ There's a storm moving in from the ocean. ▪ The ship quickly sank to the bottom of the ocean. ▪ the deepest parts of the ocean — often used before another noun ▪ the ocean floor/bottom/surface ▪ the salty ocean air ▪ ocean fish ▪ an ocean voyage/liner — see color picture

2 or Ocean [count] : one of the five large areas of salt water that cover much of the Earth's surface

▪ the Atlantic Ocean ▪ the Pacific and Indian oceans ▪ the Arctic/Antarctic Ocean

3 [count] informal : a very large number or amount of something

▪ an ocean of sadness — often plural ▪ oceans of time [=lots of time]

B. The affirmative interpretation is bad for debate

Limits are necessary for negative preparation and clash. There are nearly an infinite number of specific locations. We could never be well-prepared.

Swaminathan 3 Dr K V Swaminathan, Waterfalls Institute of Technology Transfer (WITT) February 2003 Ocean Vistas http://www.witts.org/Ocean_wealth/oceanwealth_01_feb03/wista_oceanwealth_feture.htm

The oceans cover nearly two-thirds of the world's surface area and have profoundly influenced the course of human development. Indeed the great markers in man’s progress around the world are in a large measure the stages in his efforts to master the oceans.

Nations and people who are conscious of the **almost limitless** potential of the oceans. Those who have sought to comprehend its deep mysteries, processes and rhythms and have made efforts to explore and utilize its resources, stand in the van of progress, while those who have been indifferent to the critical role that oceans play in human life and its development, have remained mired in stagnation and backwardness.

Also, grammar is necessary for limits. Without the rules of grammar, the topic could mean anything

C. T is a voter because it's necessary for good, well-prepared debating

VIOLATION – NOT SUBSTANTIALLY INCREASE DEVELOPMENT

T – not substantially increase development

A. Substantially requires at least a 2% increase – this is the lowest percentage we could find

Word and Phrases 1960

"Substantial" means "of real worth and importance; of considerable value; valuable." Bequest to charitable institution, making 1/48 of expenditures in state, held exempt from taxation; such expenditures constituting "substantial" part of its activities. Tax Commission of Ohio v. American Humane Education Soc., 181 N.E. 557, 42 Ohio App.

B. The plan violates

At least a \$5 billion annual increase is needed. The US ocean economy is over \$250 billion per year

Kildow 14 Dr. Judith T. Kildow, et al, Founding Director, The National Ocean Economics Program (NOEP)—currently based at the Center for the Blue Economy—received her PhD in International Relations and Science Policy from the Fletcher School at Tufts University. She has taught, performed research, published and spoken widely in the fields of marine policy and ocean economics at MIT, Harvard, USC and other universities. Throughout her career she has served government and the private sector in numerous roles. State of the U.S. Ocean and Coastal Economies 2014 Center for the Blue Economy at the Monterey Institute of International Studies http://maine.sierraclub.org/NOEP_National_Report_2014.pdf

In 2010 the ocean economy comprised over 2.7 million jobs and contributed over \$258 billion to the GDP of the United States.

The largest sector by both employment and GDP is the Tourism & Recreation sector, accounting for 1.9 million jobs and \$89 billion in economic output. (Table ES.2).

C. The affirmative interpretation is bad for debate

Limits are necessary for negative preparation and clash. Without the requirement to substantially increase, Affs can claim limitless points of possible ocean development

Steinberg 99 Philip E. Steinberg, Florida State University Professional Geographer, 51(3) 1999, pages 366–375 Navigating to Multiple Horizons: Toward a Geography of Ocean-Space* <http://mailer.fsu.edu/~psteinbe/garnet-psteinbe/pgfocus.pdf>

Ocean-space has also provided a foundational, if somewhat ephemeral, grounding for some of the major geopolitical, geocultural, and geoeconomic referents of our time, including the North Atlantic Treaty Organization and the Pacific Rim. With reference to the Pacific Rim in particular, Wilson and Dirlik (1995) discuss how the discursive construction of a geographical identity focused around the “rim” of a supposedly essence-free center reproduces modernist images of placelessness, an unbounded potential for progress and development, and—quite literally—the liquidity and fungibility of capital. Through the manipulation of marine imagery, the focal space of capital is defined solely as a space of movement, leaving the places on its borders defined as points of limitless opportunity for investment and “development” (see also Dirlik 1993; Steinberg 1999).

D. The affirmative must defend an interpretation

They cannot just quibble with our definition. They have to counter-define and defend the limits of their definition. Substantially must be given meaning

CJS 83 Corpus Juris Secundum, 1983, 765.

“Substantially. A relative and elastic term which should be interpreted in accordance with the context in which it is used. While it must be employed with care and discrimination, it must, nevertheless, be given effect.” 48

E. T is voter because it's necessary for good, well-prepared debating

VIOLATION – OFFSHORE WIND NOT OCEAN DEVELOPMENT

T – not OCEAN development

A. Ocean development is extraction from the ocean

Hibbard et al 10 K. A. Hibbard, R. Costanza, C. Crumley, S. van der Leeuw, and S. Aulenbach, J. Dearing, J. Morais, W. Steffen, Y. Yasuda --- International Geosphere-Biosphere Programme. 2010 Developing an Integrated History and Future of People on Earth (IHOPE): Research Plan IGBP Report No. 59.

http://www.igbp.net/download/18.1b8ae20512db692f2a680006394/report_59-IHOPE.pdf

A common characteristic of human-in-environment development is extraction and consumption of natural resources. A typical response to the exhaustion of these resources has been to move to new regions where continued extraction and consumption is possible. These migrations have led to colonisation of new areas, conflict and displacement of indigenous populations, introduction of new species, and so on. Only quite recently in human history has the ability to occupy new lands become limited by geopolitical constraints. New frontiers are now associated with technological advances that are used to overcome local constraints of resource availability.

B. The plan violates – the resource extraction is not from the ocean, but from the wind above the ocean. The ocean begins at the water surface.

Knight 13 J.D. Knight, Sea and Sky 2013 The Sea Creatures of the Deep Sea"

<http://www.seasky.org/deep-sea/ocean-layers.html>

Layers of the Ocean

Scientists have divided the ocean into five main layers. These layers, known as "zones", extend from the surface to the most extreme depths where light can no longer penetrate. These deep zones are where some of the most bizarre and fascinating creatures in the sea can be found. As we dive deeper into these largely unexplored places, the temperature drops and the pressure increases at an astounding rate. The following diagram lists each of these zones in order of depth.

The part of the turbine under the surface is not extraction – it doesn't produce any energy—and there is no advantage to it without the part no in the ocean.

C. The affirmative interpretation is bad for debate

Limits are necessary for negative preparation and clash. The affirmative unlimits by eliminating the bright line boundary of the ocean. Development can be anywhere if it doesn't have to be in the ocean. There is no basis for any other line to distinguish what is ocean development.

D. T and Extra-T voters because they're necessary for good, well-prepared debating

VIOLATION – DUAL USE IS NOT NON-MILITARY

T – not non-military

A. Non-military excludes dual use.

There are three categories – military, non-military, and dual use.

Dual use is distinguished from non-military – export controls example proves

Rothchild 13 Jonathan Rothchild, mayor of Tucson AZ, 2013 Exporting Non-Military and Dual-Use Products

<http://www.mayorrothschild.com/event/exporting-non-military-and-dual-use-products/>

Exporting Non-Military and Dual-Use Products

This program will focus on the Export Administration Act, administered by the U.S. Department of Commerce, Bureau of Industry and Security. The export controls cover “dual-use” articles and technologies that may require licensing for export to various countries.

Restriction to non-military requires exclusion of dual use --- most military applications are from civilian efforts

Adams, 6 Lieutenant Colonel Thomas K. Adams, US Army, Retired, is involved in military futures work for the US Army Special Operations Command, Fort Bragg, North Carolina. He received a Ph.D. from Syracuse University, and is a graduate of the National Strategy Course and the US Army Command and General Staff College. 2006 10 GPS Vulnerabilities

<http://www.c4i.org/gps-adams.html>

A Double-Edged Sword

Like most recent force-modernization efforts, most of Army After Next (AAN) and Army XXI technologies will come from commercial-sector research rather than Department of Defense (DOD)-sponsored research and development. Major General Robert Scales, a key architect of the AAN program, says about 40 percent of the dollars spent 25 years ago on telecommunications research and development came from DOD. In Fiscal Year 2000, DOD provided about 2 percent of the funds spent on developing information-age technologies.⁵ During a National Defense Industrial Association conference on the future force, Scales remarked, "Like it or not, the advantage we are going to gain in the future over a potential major competitor is going to come from the commercial sector. We ought to just step back, relax and be prepared to exploit it. In many ways, too much emphasis on military specific research . . . may very well work to our disadvantage."⁶

Dual use is not a ground-breaking innovation; it is a long-term trend. The United States has never owned a freestanding, solely military industrial base. Most military equipment is off-the-shelf commercial equipment painted olive drab. The American Expeditionary Force took commercial trucks right off the assembly line to France in 1917. The famous C-47 World War II transport aircraft was a green-painted cargo version of the Douglas DC-3 airliner. Artillery officers discovered hand-held Hewlett-Packard calculators early on, but the first widely distributed small computers in the US Army were ordinary Apple IIe's in a "militarized" box. The best-known example is probably the military use of thousands of off-the-shelf commercial Grid Positioning System receivers during the Gulf War.

DOD directed research and development in areas of particular defense interest until about 1965. Since then, especially after the Cold War, the trend has accelerated away from DOD-led research.⁷

B. The plan violates – it involves dual use, it has military applications

[this needs to be explained and/or evidenced. For example, a plan with sensors would have military use in ASW

Refuto 11 George J Refuto, Senior Program Consultant: Network-Centric C² and Warfighting Operations at Defense Information Systems Agency (DISA) Evolution of the US Sea-Based Nuclear Missile Deterrent: Warfighting Capabilities 2011 Google Books (not all of paragraph)

In the last decade of the Cold War (and even before that), given the US predominance in ASW/ASSW capabilities against the current level of technology and systems, both US and Soviet naval warfare planners and experts always entertained the possibility of a breakthrough in anti-submarine technology --- for example, a new sensor type, perhaps satellite platform-based, that would make the oceans "transparent" – which would threaten the traditional invulnerability of sea-based strategic nuclear forces.¹

C. The affirmative interpretation is bad for debate

Limits are necessary for negative preparation and clash. Overall, there are too many possible instances of development / exploration to get ready for. Exclusion of anything dual use is needed to begin to make the topic manageable.

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VIOLATION – ICEBREAKERS ARE MILITARY

T – not non-military

A. Icebreakers are military

Coast guard is the only federal agency involved in icebreaking (despite funding shortfalls)

Magnuson 13 Stew Magnuson June 2013 National Defense Sticker Shock: \$1 Billion for New Icebreaker

[http://www.nationaldefensemagazine.org/archive/2013/June/Pages/StickerShock\\$1BillionforNewIcebreaker.aspx](http://www.nationaldefensemagazine.org/archive/2013/June/Pages/StickerShock$1BillionforNewIcebreaker.aspx)

The cost to build one new polar icebreaker for the Coast Guard may top \$1 billion, a Congressional Research Service report recently stated.

And that's in 2012 dollars. When work will start in earnest and how much it will cost when it begins is still unknown.

Chronically underfunded even in the best of fiscal times, the Coast Guard spends about \$900 million per year to recapitalize all its ships and aircraft.

"It's the equivalent of telling the Navy they have to suddenly fund another aircraft carrier," said Patrick Bright, chief analytical officer at AMI International, a shipbuilding consulting firm in Bremerton, Wash.

Brian Slattery, an analyst at the Heritage Foundation, said, "Even if the icebreaker was the only acquisition priority for the Coast Guard, it would be tough to afford it."

The service has known for decades that its statutory obligation to be the sole federal agency responsible for busting through polar ice was at risk. A 1983 polar icebreaking requirements study it produced spelled out the upcoming shortages.

"Design of a new icebreaker should start immediately, emphasizing research as well as escort and logistics capabilities, and should reflect the needs of both primary and secondary users," the report stated. Since then, the service was forced to retire several icebreakers and was only allocated the funding to build one, the Healy. It is a medium-size ship intended for scientific research, and was not commissioned until 16 years after the 1983 report.

The Coast Guard now only has two heavy polar icebreakers remaining, the Polar Star and Polar Sea, which have exceeded their 30-year service lives and have been in and out of mothballs for several years.

The coast guard is military

Powers 14 Rod Powers, retired Air Force First Sergeant with 22 years of active duty service.

2014 U.S. Military 101 The "Basics" of the United States Military

<http://usmilitary.about.com/cs/generalinfo/a/military101.htm>

Our present military organizational structure is a result of the National Security Act of 1947. This is the same act that created the United States Air Force, and restructured the "War Department" into the "Department of Defense."

The Department of Defense is headed by a civilian; the Secretary of Defense, who is appointed by the President of the United States. Under the Secretary of Defense, there are three military departments: The Department of the Army, the Department of the Air Force, and the Department of the Navy. Each of these military departments are also headed up by civilians; the Secretary of the Army, the Secretary of the Air Force, and the Secretary of the Navy. These "service secretaries" are also appointed by the President.

There are five military branches: The Army, Air Force, Navy, Marine Corps, and Coast Guard. The Army is commanded by a four-star general, known as the Army Chief of Staff. The Army Chief of Staff reports to the Secretary of the Army (for most matters). The top military member in the Air Force is the Air Force Chief of Staff. This four-star general reports (for most matters) to the Secretary of the Air Force. The Navy is commanded by a four-star admiral, called the Chief of Naval Operations. The Marines are commanded by a 4-star general called the Commandant of the Marine Corps. Both the Chief of Naval Operations and the Marine Corps Commandant report (for most matters) to the Secretary of the Navy.

That leaves the Coast Guard. The Coast Guard does not fall under the Department of Defense. Until recently, the Coast Guard was under the Department of Transportation. Recent legislation has moved the Coast Guard to the newly created Department of Homeland Defense. However, the Coast Guard is considered a military service, because, during times of war or conflict, the President of the United States can transfer any or all assets of the Coast Guard to the Department of the Navy. In fact, this has been done in almost every single conflict that the United States have ever been involved in. The Coast Guard is commanded by a 4-star admiral, known as the Coast Guard Commandant.

B. The affirmative interpretation is bad for debate

Limits are necessary for negative preparation and clash. Overall, there are too many possible instances of development and exploration to get ready for. Exclusion of military is needed to begin to make the topic manageable. That is obvious from the specification in the resolution.

Swaminathan 3 Dr K V Swaminathan, Waterfalls Institute of Technology Transfer (WITT) February 2003 Ocean Vistas
http://www.witts.org/Ocean_wealth/oceanwealth_01_feb03/wista_oceanwealth_feture.htm

The oceans cover nearly two-thirds of the world's surface area and have profoundly influenced the course of human development. Indeed the great markers in man's progress around the world are in a large measure the stages in his efforts to master the oceans.

Nations and people who are conscious of the **almost limitless** potential of the oceans. Those who have sought to comprehend its deep mysteries, processes and rhythms and have made efforts to explore and utilize its resources, stand in the van of progress, while those who have been indifferent to the critical role that oceans play in human life and its development, have remained mired in stagnation and backwardness.

C. T is a voter because it's necessary for good, well-prepared debating

DEFINITIONS

AND/OR

MEANS EITHER OR BOTH

Common meaning of and/or is one or the other or both

Words and Phrases 07 (Volume 3A, page 220, 2007)

C.A.1 (Mass.) 1981. Words "and/or." for contract purposes, commonly mean the one or the other or both. Local Division 589 Amalgamated Transit Union, AFL-CIO, CLC v. Com. of Mass., 666 F.2d 618, certiorari denied Local Div. 589, Amalgamated Transit Union AFL-CIO v. Massachusetts, 102 S.Ct. 2928, 457 U.S. 1117, 73 L.Ed.2d 1329.-Contracts 159.

And/or means either or both connected items

Random House 14 Dictionary.com Unabridged Based on the Random House Dictionary, © Random House, Inc. 2014. Cite This Source <http://dictionary.reference.com/browse/and/or>

and/or [and-awr] Show IPA conjunction

(used to imply that either or both of the things mentioned may be affected or involved): insurance covering fire and/or wind damage.

American Heritage 9 The American Heritage® Dictionary of the English Language, Fourth Edition copyright ©2000 by Houghton Mifflin Company. Updated in 2009. Published by Houghton Mifflin Company. All rights reserved.

<http://www.thefreedictionary.com/and%2For>

and/or (ăn'dôr')

conj.

Used to indicate that either or both of the items connected by it are involved.

Usage Note: And/or is widely used in legal and business writing. Its use in general writing to mean "one or the other or both" is acceptable but can appear stilted. See Usage Note at or1.

Macmillan 14 Macmillan Dictionary 2014 <http://www.macmillandictionary.com/dictionary/british/and-or>

and/or

- definition

View thesaurus entry for and/or

What are red words?

Using the thesaurus

conjunction British English pronunciation: and/or

used for saying that either or both of two situations are possible

In the event of loss of money and/or traveller's cheques, you must notify the police within 24 hours.

MEANS TOETHER OR INDIVIDUALLY

And/or means the connected items can be taken together or individually

Merriam Webster 14 Merriam Webster 2014 <http://www.merriam-webster.com/dictionary/and/or>

and/or conjunction \'and-\'òr\

Definition of AND/OR

—used as a function word to indicate that two words or expressions are to be taken together or individually <language comprehension and/or production — David Crystal>

Fowler's 8 Pocket Fowler's Modern English Usage, 2008, Ed. Robert Allen, Oxford Reference

[http://www.oxfordreference.com/view/10.1093/acref/9780199232581.001.0001/acref-9780199232581-e-](http://www.oxfordreference.com/view/10.1093/acref/9780199232581.001.0001/acref-9780199232581-e-187?rskey=0Pb0wx&result=5)

187?rskey=0Pb0wx&result=5

and/or is a formula indicating that the items connected by it can be taken either together or as alternatives. Its principal ...

Collins 9 Collins English Dictionary - Complete & Unabridged 10th Edition 2009 © William Collins Sons & Co. Ltd. 1979, 1986

© HarperCollins Cite This Source

World English Dictionary <http://dictionary.reference.com/browse/and/or>

and/or — conj

(coordinating) used to join terms when either one or the other or both is indicated: passports and/or other means of identification

MEANING "OR" ASSUMES INCLUSIVE MEANING

And/or means "or" when "or" is used in its inclusive sense, but not the exclusive

Pullum 8 Geoff Pullum, professor of general linguistics in the School of Philosophy, Psychology and Language Sciences at the University of Edinburgh, and also Gerard Visiting Professor of Cognitive, Linguistic and Psychological Sciences at Brown University April 14, 2008 Language Log

And/or: "and AND or", or "and OR or"? <http://languagelog.ldc.upenn.edu/nll/?p=35>

Does and/or mean "and and or", or "and or or"? That is, if I say I am interested in A and/or B, do I mean I'm interested in A and B and I'm interested in A or B, or do I mean that I'm interested in A and B or I'm interested in A or B? (You may want to say that it means I'm interested in A and B and/or I'm interested in A or B; but in that case I repeat my question.)

Having reflected on it for a little while, I am convinced that the answer has to be that A and/or B must mean "A and B or A or B".

That is, if an entity A is claimed to have the property of being F and/or G, the claim amounts to saying that either (i) A has the property of being both F and G or (ii) A has the property of being either F or G. And to claim that F is a property of entities A and/or B is to claim that either (i) F holds for A and B or (ii) F holds for A or B.

However, in that case and/or is effectively identical in meaning with or, so it is at first rather hard to see why and/or exists at all. But I do have a guess.

The right theory of what or means in English is that it is in general inclusive but that sometimes the exclusive special case is conveyed as a conversational implicature. I'm going to study linguistics at either York or Edinburgh would often be taken to have the exclusive sense: since you typically go to a single university to take a single degree, and during the degree course you have no time to study elsewhere, a decision to choose York would normally exclude choosing Edinburgh as well. The exclusive sense is thus conveyed: one or the other of York and Edinburgh will be chosen, and if it is York it will not be Edinburgh, and if it is Edinburgh it will not be York. But of course if you think about it, someone who says she is choosing between those two universities does not commit herself for life to never studying at the other.

When the two alternatives exclude each other, then the exclusive meaning is the only one that makes sense. If you are asked whether you want to sit in the stalls or in the balcony, it's one or the other but not both, because you can only be in one place at one time. When they don't exclude each other, it's always understood that or allows for both: obviously someone whose ambition is to win either an Oscar or an Olympic medal wouldn't feel a failure if they won both. Winning both would satisfy the ambition in spades.

So my guess would be that and/or is a way of underlining the point that the or is to be understood in its inclusive sense rather than its exclusive sense. Sometimes you want to explicitly indicate "or more than one of the above", and and/or does that.

Take the first example of and/or in the Wall Street Journal corpus of 1987-1989 (a 44-million-word collection of random articles that linguists often use as a source for real-life examples because the Linguistic Data Consortium — the host for the giant Language Log servers — made it available in 1993 nice and cheap). The example (which actually happens to be a quotation from the Washington Post) is this:

Too many of his attitudes, claims and complaints are careless, conflicting, dubious, inaccurate, mean, petty, simplistic, superficial, uninformed and/or pointlessly biased.

I take it as obvious that if one hundred percent of the hapless man's attitudes, claims and complaints had all ten properties — every single one was careless and conflicting and dubious and inaccurate and mean and petty and simplistic and superficial and uninformed and pointlessly biased — then the quoted claim would be regarded as true, not false.

An or would have done the job here, but the and/or injects a (logically redundant) reminder that it may well be the case that more than one of the list of ten properties applies to the miserable individual in question.

USAGE CARDS

And/or is now grammatically acceptable

Brians 13, Paul Brians, Emeritus Professor of English, Washington State University Pullman Common Errors in English Usage: The Book (3rd Edition, November, 2013), <http://public.wsu.edu/~brians/errors/andor.html>)

The legal phrase “and/or.” indicating that you can either choose between two alternatives or choose both of them. has proved irresistible in other contexts and is now widely acceptable though it irritates some readers as jargon. However, you can logically use it only when you are discussing choices which may or may not both be done: “Bring chips and/or beer.” It’s very much overused where simple “or” would do, and it would be wrong to say, “you can get to the campus for this morning’s meeting on a bike and/or in a car.” Choosing one eliminates the possibility of the other, so this isn’t an and/or situation.

and/or is used in statutes

Ballentine’s Law Dictionary 69 (3d. ed, 1969, p. 73)

In statutes, however, the use of the expression “and/or” has been considered to have a significance, the view being that the intention of the legislature in using the expression is that the word “and” and the word “or” are to be construed as used interchangeably. 50 Am Jurisprudence 1st Statutes.

And/or is meaningless

Ballentine’s Law Dictionary 69 (3d. ed, 1969, p. 73)

[And/or is] something of a monstrosity in the English language, used by draftsmen out of an over-abundance of caution. So indefinite as to render an administrative order inoperative or unenforceable for lack of certainty. 2 Am Jurisprudence 2d Administrative Law § 462.

Words and Phrases 07 (Volume 3A, page 222, 2007)

Mo. 1940. The symbol “and/or” in city ordinances is meaningless. City of Washington v. Washington Oil Co, 145 S.W.2d 366, 346 Mo. 1183—Municipal Corporations 120.

DEVELOPMENT

TYPES OF ACTIONS

There are six types of ocean development

Lipp 60 James E. Lipp, director of development planning of the Lockheed Aircraft Corp, member of the National Academy of Sciences Panel on New Devices for Exploring the Oceans, and chairman of the National Security Industrial Association's Task Group on Undersea Navigation and Oceanography. FRONTIERS IN OCEANIC RESEARCH HEARINGS House COMMITTEE ON SCIENCE AND ASTRONAUTICS

APRIL 28 AND 29, 1960 http://archive.org/stream/frontiersinocean00unit/frontiersinocean00unit_djvu.txt

I should like to subdivide the field of ocean development into half a dozen parts and handle each very briefly. These are : naval weapons, underwater transportation and communication, fresh water conversion, mining or chemical extraction of minerals, food production, and finally research activities.

There are nine areas of ocean development

Hajost 87 SCOTT A. HAJOST, Office of the Legal Adviser U.S. Department of State American Journal of International Law April, 1987 81 A.J.I.L. 527 BOOK REVIEW: Ocean Yearbook 5. Edited by Elisabeth Mann Borgese and Norton Ginsburg. The University of Chicago Press, 1985. Pp. xvi, 544. Index. \$ 49. lexis

This work, sponsored by the International Ocean Institute of Malta, is the fifth in a series of volumes of collected essays and documents concerning ocean development and affairs. The present volume covers nine general subjects: the 1982 UN Convention on the Law of the Sea and its Preparatory Commission, living resources, nonliving resources, transportation and communication, marine science and technology, the environment, coastal management, military activities and regional developments.

Ocean development is use of ocean resources, space, and energy

JIN 98 JIN Japan Institute of Navigation 1998 "Ocean Engineering Research Committee"

<http://members.j-navigation.org/e-committee/Ocean.htm>

What is ocean development? Professor Kiyomitsu Fujii of the University of Tokyo defines ocean development in his book as using oceans for mankind, while preserving the beauty of nature. In the light of its significance and meaning, the term "Ocean Development" is not necessarily a new term. Ocean development is broadly classified into three aspects: (1) Utilization of ocean resources, (2) Utilization of ocean spaces, and (3) Utilization of ocean energy.

Among these, development of marine resources has long been established as fishery science and technology, and shipping, naval architecture and port/harbour construction are covered by the category of using ocean spaces, which have grown into industries in Japan. When the Committee initiated its activities, however, the real concept that caught attention was a new type of ocean development, which was outside the coverage that conventional terms had implied.

All ocean development follows one of several themes

South Pacific Commission 91 South Pacific Commission, "International Centre for Ocean Development" 5-9 August 1991 <http://www.spc.int/DigitalLibrary/Doc/FAME/Meetings/RTMF/23/IP22.pdf>

ICOD's mandate encompasses all aspects of ocean resource development and management. Programs build on specific areas of sectoral expertise in developing countries or regions. The programs and projects of ICOD have been grouped under several broad themes : integrated ocean management and development (IOM) ; fisheries management and development ; mariculture ; coastal development and management ; non-living resource management and development ; marine transportation and ports management ; and marine environmental conservation.

USE / EXTRACTION OF RESOURCES

Ocean development is use of ocean resources

Washington legislature 91 Washington State Legislature, WAC 173-26-360 filed 4/24/91, effective 5/25/91.] Ocean management. <http://apps.leg.wa.gov/wac/default.aspx?cite=173-26-360>

(3) Ocean uses defined. Ocean uses are activities or developments involving renewable and/or nonrenewable resources that occur on Washington's coastal waters and includes their associated off shore, near shore, inland marine, shoreland, and upland facilities and the supply, service, and distribution activities, such as crew ships, circulating to and between the activities and developments. Ocean uses involving nonrenewable resources include such activities as extraction of oil, gas and minerals, energy production, disposal of waste products, and salvage. Ocean uses which generally involve sustainable use of renewable resources include commercial, recreational, and tribal fishing, aquaculture, recreation, shellfish harvesting, and pleasure craft activity.

Ocean development is harnessing ocean resources

Pujari 12 Saritha Pujari, BS Poona College of Arts Science & Commerce 2012 The Objectives and Observation of Ocean Development around the World, <http://www.yourarticlelibrary.com/ocean/the-objectives-and-observation-of-ocean-development-around-the-world/11207/>

The broad objectives of 'ocean development' have been laid down by Parliament in the Ocean Policy Statement of November 1982. The domain of our concern for development of oceanic resources and its environment extends from the coastal lands and islands lapped by brackish water to the wide Indian Ocean.

The ocean regime is to be developed in order to: (i) explore and assess living and non-living resources; (ii) harness and manage its resources (materials, energy and biomass) and create additional resources such as mariculture; (iii) cope with and protect its environment (weather, waves and coastal front); (iv) develop human resources (knowledge, skill and expertise), and (v) play our rightful role in marine science and technology in the international arena.

Development is extraction of resources

Hibbard et al 10 K. A. Hibbard, R. Costanza, C. Crumley, S. van der Leeuw, and S. Aulenbach, J. Dearing, J. Morais, W. Steffen, Y. Yasuda --- International Geosphere-Biosphere Programme. 2010 Developing an Integrated History and Future of People on Earth (IHOPE): Research Plan IGBP Report No. 59. http://www.igbp.net/download/18.1b8ae20512db692f2a680006394/report_59-IHOPE.pdf

A common characteristic of human-in-environment development is extraction and consumption of natural resources. A typical response to the exhaustion of these resources has been to move to new regions where continued extraction and consumption is possible. These migrations have led to colonisation of new areas, conflict and displacement of indigenous populations, introduction of new species, and so on. Only quite recently in human history has the ability to occupy new lands become limited by geopolitical constraints. New frontiers are now associated with technological advances that are used to overcome local constraints of resource availability.

Development includes extraction of resources for commerce

Laffoley 13 Professor Dan Laffoley, Senior Advisor Marine Science and Conservation Global Marine and Polar Programme and Vice Chair of the World Commission on Protected Areas. Commonwealth Secretariat (UK) Discussion Paper Number 14 • May 2013 A New Approach to Ocean Governance Practical ways to fast track the Green Economy, http://www.secretariat.thecommonwealth.org/files/254813/FileName/Ocean_Governance_Discussion_Paper_14.pdf

The ocean provides a variety of goods and services essential to economic growth and social development. These include resources that can be extracted for commercial trade (such as oil, gas, seabed minerals and fish), services that provide for economic activity (tourism) or recreation, as well as ecological services that can provide human protection (storm protection) and the recycling of nutrients or cleansing of pollution. The sustained supply of goods and services from the oceans is central to our future wellbeing and prosperity. This supply depends not just on the presence, but also the quantity and quality of marine biodiversity. In addition to the diversity of species, genes and ecosystems, it is the abundance of individual animals and plants, as well as the extent of ecosystems that are critical components of 'natural capital' and key determinants of the scale and nature of the benefits derived.1

Ocean development is everything related to extraction of minerals

Lexis headnote 11 MARTIN L. C. FELDMAN, UNITED STATES DISTRICT JUDGE ET AL versus KENNETH LEE "KEN" SALAZAR, ET AL CIVIL ACTION NO. 10-1941 SECTION "F" UNITED STATES DISTRICT COURT FOR THE EASTERN

Topicality - Definitions

DDI 2013

DISTRICT OF LOUISIANA 786 F. Supp. 2d 1151; 2011 U.S. Dist. LEXIS 37719; 73 ERC (BNA) 1855; 176 Oil & Gas Rep. 657; 41 ELR 20138 April 6, 2011, Decided lexis

Headnote 12 Under the Outer Continental Shelf Lands Act (OCSLA), 43 U.S.C.S. § 1331 et seq., "development" is defined as those activities which take place following discovery of minerals in paying quantities, including geophysical activity, drilling, platform construction, and operation of all onshore support facilities, and which are for the purpose of ultimately producing the minerals discovered. 43 U.S.C.S. § 1331(l). "Production" comprises those activities which take place after the successful completion of any means for the removal of minerals, including such removal, field operations, transfer of minerals to shore, operation monitoring, maintenance, and workover drilling. § 1331(m). From these definitions, it is obvious that at both the exploration phase and the development and production phase, OCSLA contemplates drilling. OCSLA provides that at the exploration stage, a lessee submits, and the Bureau of Ocean Energy Management, Regulation, and Enforcement approves, an exploration plan. 43 U.S.C.S. § 1340. Exploration may not proceed until an exploration plan has been approved.

Feldman 11 MARTIN L. C. FELDMAN, UNITED STATES DISTRICT JUDGE.

ENSCO OFFSHORE CO., ET AL versus KENNETH LEE "KEN" SALAZAR, ET AL CIVIL ACTION NO. 10-1941 SECTION "F" UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF LOUISIANA

786 F. Supp. 2d 1151; 2011 U.S. Dist. LEXIS 37719; 73 ERC (BNA) 1855; 176 Oil & Gas Rep. 657; 41 ELR 20138 April 6, 2011, Decided lexis

HN12 Development" is defined as "those activities which take place following discovery of minerals in paying quantities, including geophysical activity, drilling, platform construction, and operation of all onshore support facilities, and which are for the purpose [^{**19}] of ultimately producing the minerals discovered." Id. § 1331(l). "Production" comprises "those activities which take place after the successful completion of any means for the removal of minerals, including such removal, field operations, transfer of minerals to shore, operation monitoring, maintenance, and workover drilling." Id. § 1331(m).

COMMERCIAL / BUSINESS ACTIVITY

In context of land development means make available for commercial use

Warren W. **Matthews**, Jr., Chief Justice of Supreme Court of Alaska, 3/15/91, "Kenai Borough v. Cook Inlet Region & Salamatov Native Assoc. , 807 P 2d 487", <http://www.touchngo.com/sp/html/sp-3671.htm>

The meaning of the term "developed" under ANCSA is a question of federal law. Consequently, the primary consideration in determining meaning is the intent of Congress. Although it is well established that ambiguities in ANCSA are to be resolved favorably to Natives, *Alaska Public Easement Defense Fund v. Andrus*, 435 F. Supp. 664, 670-71 (D. Alaska 1977); *People of South Naknek v. Bristol Bay Borough*, 466 F. Supp. 870, 873 (D. Alaska 1979), if congressional intent is clear, we must defer to it. *Hakala v. Atxam Corp.*, 753 P.2d 1144, 1147 (Alaska 1988). One indication of congressional intent is the ordinary meaning of the words used in the statute. In the context of raw land,⁸ the common meaning of developed includes subdivided property which is ready for sale. Webster's Third New International Dictionary of the English Language, Unabridged (1968), defines develop in a land context as follows: to make actually available or usable (something previously only potentially available or usable) . . . as (1): to convert (as raw land) into an area suitable for residential or business purposes they ~ed several large tracts on the edge of town; also: to alter raw land into (an area suitable for building) the subdivisions that they ~ed were soon built up. . . . Cases dealing with the term "developed" in the context of land confirm that "develop" connotes conversion into an area suitable for use or sale. *Winkelman v. City of Tiburon*, 108 Cal. Rptr. 415, 421 (Cal. App. 1973) The term 'developed' connotes the act of converting a tract of land into an area suitable for residential or business uses *Muirhead v. Pilot Properties, Inc.*, 258 So.2d 232, 233 (Miss. 1972) (same holding); *Prince George's County v. Equitable Trust Co.*, 408 A.2d 737, 742 (Md. Ct. Spec. App. 1979) ("Develop [is defined as] the conversion of raw land into an area suitable for residential or business uses." (Quoting Webster's New International Dictionary, (2d Ed. 1959)); *Best Building Co. v. Sikes*, 394 S.W.2d 57, 63 (Tex. App. 1965) (court approved trial court finding based in part on extrinsic evidence that "developed" included subdividing, building streets, and installing utilities).

Development is increasing business activity

Macmillan 13 Macmillan Dictionary 2013 <http://www.macmillandictionary.com/us/dictionary/american/development>

Development - definition noun /dɪˈveləpmənt/

1 [uncountable] change, growth, or improvement over a period of time development of:

We encourage our employees in their development of new skills development of something into something:
the gradual development of her ideas into an advanced theory

a. the growth of a child as time passes, as it changes and learns to do new things child development

b. economics the process of improving the economy of a country or region by increasing the amount of business activity the government's regional development policy

2 [countable] a new event that changes a situation

Have there been any further developments in the case?

3 [uncountable] the process of creating a new product or method

His work is mainly in software development.

a. [countable] a new product or method developments in medical science

4 [uncountable] the process of putting new buildings on land

The land was sold for development.

a. [countable] a group of buildings that have been built together on a piece of land

a new development on the edge of town

Longman 12 Longman Dictionary of Contemporary English 2012 <http://www.ldoceonline.com/Geography-topic/development>

Topic: GEOGRAPHY

Development noun de·vel·op·ment

1 growth [uncountable] the process of gradually becoming bigger, better, stronger, or more advanced:

[British English] child development development of

[British English] a course on the development of Greek thought professional/personal development

[American English] opportunities for professional development

2 economic activity [uncountable] the process of increasing business, trade, and industrial activity

economic/industrial/business etc development

Topicality - Definitions

[American English] economic development in Russia

3 event [countable] a new event or piece of news that changes a situation:

[British English] recent political developments in the former Soviet Union

[British English] We will keep you informed of developments.

4 new plan/product [uncountable] the process of working on a new product, plan, idea etc to make it successful:

[American English] The funds will be used for marketing and product development.

under/in development [British English] Spielberg has several interesting projects under development.

5 improvement [countable] a change that makes a product, plan, idea etc better:

[British English] There have been significant computer developments during the last decade.

6 building process [uncountable] the process of planning and building new houses, streets etc on land

for development [British English] The land was sold for development.

7 houses/offices etc [countable] a group of new buildings that have all been planned and built together on the same piece of land:

[British English] a new housing development

Development involves new production

American Heritage 13 The American Heritage® Dictionary of the English Language, 5th edition Copyright © 2013 by Houghton Mifflin Harcourt Publishing Company. Published by Houghton Mifflin Harcourt Publishing Company. All rights reserved. <http://www.yourdictionary.com/development>

Development noun

The act of developing or the state of being developed, as:

a. The application of techniques or technology to the production of new goods or services.

b. The business of constructing buildings or otherwise altering land for new uses.

A significant event, occurrence, or change: a news story covering the latest developments in the scandal.

A group of dwellings built by the same contractor: bought a condo in a new development built by the river.

The organized activity of soliciting donations or grants; fundraising.

Music

a. Elaboration of a theme with rhythmic and harmonic variations.

b. The central section of a movement in sonata form, in which the theme is elaborated and explored

EXAMPLES

Ocean development include platforms, seabed resources, and energy

Mori 11 Kazu-hiro MORI, President, National Maritime Research Institute Ocean Development—The Last Frontier: Initiatives by the National Maritime Research Institute Ocean Policy Research Foundation 2011

http://www.sof.or.jp/en/news/251-300/266_1.php

With the world's sixth largest Exclusive Economic Zone, ocean development is of great importance for Japan. As ocean space is characterized by severe dynamics, its development requires research, including on peripheral technologies. Along with its research into ocean development, including floating platforms, seabed resource development, and floating wind turbine systems, the National Maritime Research Institute is also developing technologies for marine environment conservation, in which it hopes to make international contributions.

Ocean development includes energy, aquaculture, sand and gravel, and carbon sinks

NROC 13 Northeast Regional Ocean Council Request for Proposals: TOSUPPORT THE IDENTIFICATION OF OPTIONS TO ENHANCE INTER-AGENCY COORDINATION, PUBLIC INPUT, AND THE USE OF DATA IN DECISION MAKING RFP Issued: December 18, 2013

http://northeastoceancouncil.org/wp-content/uploads/2013/12/Regulatory-RFP_Final.pdf

To assist with guiding its work in achieving this goal, the RPB has formed an internal Regulatory Work Group that includes federal and state agency and tribal representatives. The work group is focusing on the implementation of existing regulatory programs related to several specific types of ocean development: energy infrastructure, aquaculture (particularly in federal waters), sand and gravel extraction, and carbon sequestration, as a potential new emerging use. The workgroup's charge is to develop options to improve decision making under existing authorities through better coordination, enhanced public input opportunities, and consistent use of data and other baseline information for consideration by the RPB, whose review will provide opportunity for public review and comment on advancing any such efforts.

Ocean development includes energy and aquaculture

Earth Island 4 Earth Island Institute November 10, 2004 U.S. Army Corps of Engineers Release of Draft EIS on Cape Wind Project Violates the Public Trust and Threatens Give-Away of Ocean Property to Private Developments

<http://www.commondreams.org/news2004/1110-05.htm>

The procedure being used by the Corps to entertain the permit application presents a significant threat to ocean management. It has already spawned a rash of other wind project proposals along the east coast from natural gas and aquaculture. Worst of all, these permits are being processed by an agency that has itself admitted that it lacks the experience or knowledge to review energy projects for ocean development activities.

Ocean development includes ocean energy

Tran 9 Sarah Tran received her J.D. from Georgetown University Law Center in 2009 and is a national winner of the 2009 Burton Award for distinguished writing. Before law school she worked as an environmental engineer in California with a degree in Civil and Environmental Engineering from the University of California at Berkeley. Texas Journal of Oil, Gas, and Energy Law Spring, 2009 4 Tex. J. Oil Gas & Energy L. 195

ARTICLE: WHY HAVE DEVELOPERS BEEN POWERLESS TO DEVELOP OCEAN POWER? lexis

Section 388 of the EPCA does not explicitly oust jurisdiction by FERC as it states: "[n]othing in this subsection displaces, supersedes, limits, or modifies the jurisdiction, responsibility, or authority of any Federal or State agency under any other Federal law." n67 Certain sections of the EPCA also indicate that Congress may have envisioned a cohesive effort to regulate wave and tidal projects on the OCS. n68 The Act tasks the Department of Energy with new obligations relative to renewable energy sources. n69 Title II of the Act provides that the Department of Energy will assess and generate detailed reports on renewable energy resources, and § 931 of the Act directs the Secretary of Energy to conduct research and development programs for ocean energy, including wave energy and hydrokinetic generation projects. n70

Development includes energy sources

Michel 14 Remarks by President James Michel at the Blue Economy Summit, Abu Dhabi Sustainability Week Monday 20th January 2014, Abu Dhabi National Exhibition Centre (ADNEC), United Arab Emirates

http://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=3&ved=0CDcQFjAC&url=http%3A%2F%2Fwww.sids2014.org%2Fcontent%2Fdocuments%2F282Address%2520by%2520President%2520James%2520Michel%2520at%2520Blue%2520Economy%2520Summit%25202014.doc&ei=yvpbU5vsL0ilsQTnyYGAaw&usq=AFQjCNEQO0IyiNZaqV_kLmiroh-VInWr6g&bvm=bv.65397613,d.cWc

We also need to urgently improve the framework for research and new technologies for sustainable development of the oceans. Renewable energy from the sea, for example, is one area that we have only just begun to explore. Only 1% of global production comes from marine sources, but it is estimated that the potential for such energy could well exceed current total demand.

Ocean development includes renewable energy

NEOAN 12 The New England Ocean Action Network (NEOAN) 2012, Massachusetts Ocean Management Plan

http://newenglandoceanaction.org/wpcontent/uploads/2012/09/MAOM_NEOAN_factF.pdf

A requirement of the Massachusetts Oceans Act of 2008, the Massachusetts Ocean Plan (Ocean Plan) was created to ensure the protection of the state's Special, Sensitive or Unique (SSU) ocean areas while also encouraging responsible ocean development, including renewable energy, in state ocean waters. The creation of the plan proceeded in three phases: information and data gathering; draft plan development; and formal public review of the draft plan and the finalization of the plan. An extensive public participation program was conducted during each phase of the planning process with public listening sessions and workshops held across the state, more than 300 public comments filed regarding the draft plan, formal public hearings held after the release of the draft plan, and hundreds of meetings with diverse stake holders, including marine pilots, fishermen, energy developers, non-governmental organizations, boaters, surfers, and other recreational users, and academia

Fisheries are ocean development

Fleming 4 Roger Fleming, Peter Shelley and Priscilla M. Brooks, members of the Marine Conservation Program of the Conservation Law Foundation (CLF). Roger Fleming, J.D., cum laude, Vermont Law School, is a Senior Attorney located in CLF's Brunswick, Maine office. Peter Shelley, J.D., with honors, Suffolk University Law School, is a Senior Attorney and Director of CLF's Massachusetts Advocacy Center located in Boston. Priscilla M. Brooks, Ph.D. in Resource Economics from the University of Rhode Island, is Senior Economist and Director of CLF's Marine Conservation Program. Priscilla is also located in CLF's Boston Advocacy Center.

Vermont Law Review Spring, 2004 28 Vt. L. Rev. 579 SYMPOSIUM: CHANGING TIDES IN OCEAN MANAGEMENT: TWENTY-EIGHT YEARS AND COUNTING: CAN THE MAGNUSON-STEVENSON ACT DELIVER ON ITS CONSERVATION PROMISE? lexis

There is a growing volume of scientific literature documenting the negative impacts of fishing activities on seafloor habitats as well as the critical importance of habitat to overall marine ecosystem health and function. n178 As development pressure for scarce marine resources intensifies and competing demands on our oceans increase, a more comprehensive and integrated ecosystem planning approach to the management of all ocean development activities, including fisheries, will be needed. The following observations and recommendations are intended to provide a starting point for charting a better course for the future of New England and U.S. fisheries management.

Offshore oil is ocean development

Maeda 1 Hisaaki Maeda, Nihon University, Department of Oceanic Architecture and Engineering

7-24-1 Marine and Ocean Engineering in 21st Century

http://www.nmri.go.jp/main/cooperation/ujnr/24ujnr_paper_jpn/maeda.PDF

The most successful example of the ocean development in the 20 th century is the offshore oil development as in the Gulf of Mexico or in the North Sea. The today ' s energy problem could not be solved without the offshore oil, while the offshore oil development is progressing into the deeper water, ultra deep water area more than 3,000m deep that requires the breakthrough of the underwater technology.

Ocean development includes floating space launch facilities

Maeda 1 Hisaaki Maeda, Nihon University, Department of Oceanic Architecture and Engineering

7-24-1 Marine and Ocean Engineering in 21st Century

http://www.nmri.go.jp/main/cooperation/ujnr/24ujnr_paper_jpn/maeda.PDF

Next example is a floating platform for the space rocket launching. The equator is the most appropriate place to launch a space rocket for a stationary satellite, which is used for a meteorology observation. The launching cost of a space rocket is around US\$70M in USA, and US\$50M in EU. If we use a floating platform for a rocket launching, then the launching cost may be around US\$30M. In the coming 10 years, the joint industry group from USA, UK, Ukraine and Russia may expect to receive orders of US\$1B and they organized the Sea Launch Project. The IS company was mainly responsible for the finance and Ukraine and Russian companies were in charge of the technology. This project is one of the successful examples of an ocean development, which looks like a fusion of demand, and supply with technology and finance.

Ocean development includes carbon sinks

German Advisory Council 6 German Advisory Council on Global Change 2006

The Future Oceans –Warming up, Rising High, Turning Sour

http://cmhc.ucsd.edu/Research/Climate_Change/Future%20Oceans.pdf

4.2 Future development of the oceans as a carbon sink

As discussed in Section 4.1, the oceans are the most important net sink for CO₂. Without oceanic uptake of anthropogenic CO₂, the relative CO₂ concentration in the atmosphere would lie more than 55ppm above the present level (Sabine et al., 2004). The future development of the oceans as a CO₂ sink will therefore determine in large part how strongly anthropogenic CO₂ emissions are reflected as an increase in the atmospheric concentration of carbon dioxide. Over the long term, that is, a period of several centuries (in which mixing takes place through-out the world's oceans), the ocean can take up about 65–80 per cent of the anthropogenic CO₂, depending on the total quantity of carbon emitted. At even longer time scales this proportion increases to 85–92per cent due to the dissolution of carbonate sediments (Caldeira, 2005). In the coming decades and centuries, however, only a portion of this great sink potential can be effective: the limiting factor is the transport of carbon taken up at the surface into the deeper ocean layers. In fact, the oceans have so far only absorbed 30 per cent of the amount of anthropogenic carbon that they could take up over a longtime period at present atmospheric concentrations(Sabine et al., 2004).

German Advisory Council 6 German Advisory Council on Global Change 2006

The Future Oceans –Warming up, Rising High, Turning Sour

http://cmhc.ucsd.edu/Research/Climate_Change/Future%20Oceans.pdf

CO₂ storage in the ocean and under the sea floor

Great and growing hopes have been pinned of late upon the sequestration of CO₂ as a means of climate mitigation (IEA, 2004).

IPCC discussed this theme in depth in a recent Special Report (IPCC, 2005). Estimates expect carbon dioxide capture and storage (CCS) to be market-ready by 2015 (IEA, 2004). Within 50 years, 20–40 per cent of the CO₂ emissions arising from the combustion of fossil fuels could be separated, captured and stored (IPCC, 2005), provided that research and development intensify significantly (IEA, 2004). Sequestration technology has direct relevance to the present report, as it also includes the storage of CO₂ in the ocean and under the sea floor (Box 5.3-1).

German Advisory Council 6 German Advisory Council on Global Change 2006

The Future Oceans –Warming up, Rising High, Turning Sour

http://cmhc.ucsd.edu/Research/Climate_Change/Future%20Oceans.pdf

Injecting CO₂ into geological formations below the sea floor is basically no different than the procedure on land. Saline aquifers, for example, also provide repositories, and pressurized injection of CO₂ into oil formations could facilitate the extraction of oil. The technical systems just have to be adapted for the existing conditions. The appropriate monitoring techniques, however, are very different on land and in the sea. There are also some differences with respect to safety technology (Section 5.3.3.4).

Not only are great research efforts presently being carried out on CO₂ storage in the seabed (CSLF, 2005), but practical experience already exists in this field, and further projects are planned (Bellona Foundation, 2005; Deutsche BP, 2005). When charges on CO₂ or the prices for emission rights rise, sequestration becomes more economically attractive, and companies can be expected to apply increasing efforts in addition to the Sleipner project (Box 5.3-1) and EOR (Section 5.1). The Norwegian company Statoil is already considering the transport of 'foreign' CO₂ through pipelines to the company's Sleipner gas platform, and storing it there in the CO₂ formations already in use under the sea.

Ocean development includes floating cities

Design Inspiration 10 The Design Inspiration Dec 6, 2010 Futuristic Green Float Cities from Shimizu

<http://thedesiginspiration.com/articles/futuristic-green-float-cities-from-shimizu/>

The Shimizu Corporation has unveiled their designs for a futuristic floating cities namely The Green Float. These float cities are a series of floating eco cities that are completely self-sufficient. The ocean development includes residential areas with A City in The Sky located 700-1000m above the waterline and a Waterside Resort community with oceanside townhouses. The city supposedly can accommodate roughly 50,000 inhabitants and generate all of its own power, grow its own food, manage its own waste and provide inhabitants with clean water. The vertical farms and the huge circular base will be devoted to mangrove plantations, grain fields and livestock ranches to feed the city's inhabitants.

Ocean development includes coastal zone resources

UN 9 United Nations 2009 IMPACT OF THE CONSULTATIVE PROCESS ON SUSTAINABLE DEVELOPMENT

http://www.un.org/depts/los/general_assembly/contributions_2009/

Department%20for%20Economic%20and%20Social%20Affairs.pdf

17. The JPOI, Agenda 21, BPoA and MSI all concur on the importance of addressing these issues. The JPOI invites actions at all levels in accordance with international law to ensure the sustainable development of the oceans, including, inter alia, maintaining the productivity and biodiversity of important and vulnerable marine and coastal areas. Special focus is placed on strengthening joint management plans and international networking for wetland ecosystems in coastal zones, including coral reefs, mangroves, seaweed beds and tidal mudflats. The BPoA and MSI also underscore the importance of developing national capacities to monitor coastal and marine resources including wetlands, coral reefs and associated ecosystems.

INCLUDES ENVIRONMENTAL PROTECTION / SUSTAINABLE DEVELOPMENT

Development involves protecting the resources for exploitation

Michel 14 Remarks by President James Michel at the Blue Economy Summit, Abu Dhabi Sustainability Week Monday 20th January 2014, Abu Dhabi National Exhibition Centre (ADNEC), United Arab Emirates
http://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=3&ved=0CDcQFjAC&url=http%3A%2F%2Fwww.sids2014.org%2Fcontent%2Fdocuments%2F282Address%2520by%2520President%2520James%2520Michel%2520at%2520Blue%2520Economy%2520Summit%25202014.doc&ei=yvpbU5vsLOilsQTnyYGAaw&usg=AFQjCNEQO0IyiNZaqV_kLmiroh-VInWr6g&bvm=bv.65397613,d.cWc

The 'Blue Economy', while also encompassing this transformation in the context of oceans, also embraces the vista of untapped potential that is available through enhanced exploration and sustainable exploitation of our oceanic spaces.

We need to urgently address the inequalities and the unsustainable practices that mar ocean governance in its current state.

Illegal fishing, unrestricted and unsustainable commercial industrial fishing, the illegal dumping of toxic wastes, climate change, ocean acidification are all huge risks for our planet.

We also need to ensure that the benefits from economic activity in our oceans translate into real benefits for our populations. We cannot consider that it is sustainable for certain large industrial fishing fleets to exploit the resources of one sea to the point of exhaustion and then simply move on to other areas.

Ocean development includes conservation of resources

Fuse 94 Tsutomu Fuse, Some observations on mechanisms for decision-making and the execution of an integrated ocean policy in Japan, National case-studies: India and Japan Ocean governance: sustainable development of the Seas Edited by Peter Bautista Payoyo 1994 United Nations University Press
<http://archive.unu.edu/unupress/unupbooks/uu150e/uu150e0f.htm>

As "ocean policy," broadly speaking, covers matters involving to some degree almost all ministries and agencies of the government, some kind of coordinating system is inevitable. For that reason, the Ocean Science and Technology Council was set up in 1961 to advise the prime minister.¹¹ On the recommendation of the Council, the "Marine Science and Technology Centre in Japan" and the "Marine Science and Aquaculture Development Centre Japan" were established in 1971. Later, the Council was reformed as the Ocean Development Council, and expanded its brief to include all aspects of ocean development including the conservation of marine resources.

Development includes fisheries and protection from pollution

UN 3 United Nations General Assembly A/RES/57/141 21 February 2003 Fifty-seventh session Agenda item 25 (a) 02 54754 Resolution adopted by the General Assembly [without reference to a Main Committee (A/57/L.48/Rev.1 and Add.1)] 57/141. Oceans and the law of the sea
<http://www.worldlii.org/int/other/UNGARsn/2002/217.pdf>

II. World Summit on Sustainable Development

7. We l c o m e s the Plan of Implementation of the World Summit on Sustainable Development ("Johannesburg Plan of Implementation"), adopted on 4 September 2002,⁹ which once again emphasizes the importance of addressing the sustainable development of oceans and seas and provides for the further implementation of chapter 17 of Agenda 21;²

8. Also welcomes the commitments set out in the Johannesburg Plan of Implementation to actions at all levels, within specific periods for certain goals, to ensure the sustainable development of the oceans, including sustainable fisheries, the promotion of the conservation and management of the oceans, the enhancement of maritime safety and the protection of the marine environment from pollution, and the improvement of scientific understanding and assessment of marine and coastal ecosystems as a fundamental basis for sound decision-making;

Sustainable development insures development indefinitely – increasing development in the long run

FAO 14 Food and Agriculture Organization of the United Nations, Fisheries & Aquaculture Department 2014 The ecosystem approach to fisheries management <http://www.fao.org/fishery/topic/13261/en>

Principles of ecosystem approaches to fisheries

The overarching principles of EAF are an extension of the conventional principles for sustainable fisheries development to cover the ecosystem as a whole. They aim to ensure that, despite variability, uncertainty and likely natural changes in the ecosystem, the capacity of the aquatic ecosystems to produce fish food, revenues, employment and, more generally, other essential services and

livelihood, is maintained indefinitely for the benefit of the present and future generations. The FAO Technical Guidelines on the ecosystem approach to fisheries (FAO 2003) define EAF as follows:

"An ecosystem approach to fisheries strives to balance diverse societal objectives, by taking into account the knowledge and uncertainties about biotic, abiotic and human components of ecosystems and their interactions and applying an integrated approach to fisheries within ecologically meaningful boundaries."

A primary implication is the need to cater both for human as well as ecosystem well-being. This implies conservation of ecosystem structures, processes and interactions through sustainable use. Inevitably this will require considering a range of frequently conflicting objectives where the needed consensus may not be readily attained without equitable distribution of benefits. In general, the tools and techniques of EAF will remain the same as those used in traditional fisheries management, but they will need to be applied in a manner that addresses the wider interactions between fisheries and the whole ecosystem. For example, catch and effort quotas, or gear design and restrictions, will be based not just on sustainable use of the target resources, but on their impacts on and implications for the whole ecosystem.

Sustainable development provides current resource needs and maintains that in the

Armeni 13 Chiara Armeni, University College London, United Kingdom Ocean Yearbook 27 2013

Carbon Dioxide Storage in the Sub-seabed and Sustainable Development: Please Mind the Gap

http://www.ucl.ac.uk/laws/academics/profiles/docs/Armeni_Carbon_Dioxide_Storage_2013.pdf

INTRODUCTION

Traditionally defined as "development that meets the needs of present generations without compromising the ability of future generations to meet their own needs." 1 the notion of sustainable development prominently shaped the debate at the 1992 United Nations Conference on Environment and Development (UNCED) in Rio de Janeiro, bringing together existing concepts "in a more systematic form than hitherto." 2 UNCED resulted in the creation of the substantive and procedural architecture of sustainable development through the consolidation of existing and emerging principles and a roadmap towards its implementation. 3 The Conference had a momentum effect (at least initially) in stimulating legal and policy thinking around synergies and conflicts between economic growth, 4 environmental protection and social justice, as "interdependent and mutually reinforcing pillars of sustainable development." 5 As a principle or simply as a concept, 6 the language of sustainable development has gradually been incorporated into a body of soft law instruments, case law, and treaty provisions and informed national law and policy. 7

Sustainable development extends development for the future

UN 11 UN Conference on Sustainable Development (Rio+20) 2011 An inter-agency paper towards the preparation of the Blueprint for ocean and coastal sustainability http://www.unesco.org/new/fileadmin/MULTIMEDIA/HQ/SC/pdf/interagency_blue_paper_ocean_rioPlus20.pdf

The concepts and objectives of 'sustainable development' and 'Green Economy' make sense only if the ocean is fully incorporated. Sustainable development is defined as "development that meets the needs of the present without compromising the ability of future generations to meet their own needs." Sustainable development is the approach recognised by the international community to deal with environmental, social and economic issues the world has faced in the past 20 years. Nevertheless we still find the ocean in peril, coastal communities unable to cope with existing and emerging issues, and all levels of government unable to effect the institutional change required to address these issues.

NOT ENVIRONMENTAL PROTECTION / SUSTAINABLE DEVELOPMENT

Ocean development means commercial action, not preservation

Underhill 7 Stefan R. Underhill, United States District Judge. STATE OF CONNECTICUT and ARTHUR J. ROCQUE, JR., COMMISSIONER OF THE CONNECTICUT DEPARTMENT OF ENVIRONMENTAL PROTECTION, Plaintiffs, v. UNITED STATES DEPARTMENT OF COMMERCE and THE HONORABLE DONALD L. EVANS, IN HIS CAPACITY AS SECRETARY OF COMMERCE, Defendants, ISLANDER EAST PIPELINE COMPANY, LLC, Intervenor Defendant. CIVIL ACTION NO. 3:04cv1271 (SRU) UNITED STATES DISTRICT COURT FOR THE DISTRICT OF CONNECTICUT 2007 U.S. Dist. LEXIS 59320 August 15, 2007, Decided lexis

The term "develop" is not defined in the statute, and there is a dearth of case law on the subject. In the "absence of statutory guidance as to the meaning of a particular term, it is appropriate to look to its dictionary definition in order to discern its meaning in a given context." Connecticut v. Clifton Owens, 100 Conn. App. 619, 639, 918 A.2d 1041 (2007). There are various definitions of the term "develop," some of which connote commercial and industrial progress, and some of which imply natural growth. See BLACK'S LAW DICTIONARY 462 (7th ed. 1999); WEBSTER'S NEW COLLEGE DICTIONARY 310 (2d ed. 1995). Having gained no clear answer from the dictionary, words must be given their "plain and ordinary meaning . . . unless the context indicates that a different meaning was intended." Connecticut v. Vickers, 260 Conn. 219, 224, 796 A.2d 502 (2002). [*19] Here, the plain meaning of the term "develop" includes commercial improvement. Connecticut argues, in effect, that by placing the term "develop" in the context of other terms, such as "preserve, protect, and restore," the definition of "develop" must have a natural conservationist meaning. That argument is not supported by the legislative history of the CZMA. Congress intended the CZMA to balance conservation of environmental resources with commercial development in the coastal zone. See, e.g., COASTAL AND OCEAN LAW at 229. In fact, in the context of the CZMA, the term "develop" has been defined to mean commercial improvement. Id. ("[T]he CZMA reflects a competing national interest in encouraging development of coastal resources."). See also Conservation Law Foundation v. Watt, 560 F. Supp. 561, 575 (D. Mass. 1983) (noting that the CZMA recognizes a wide range of uses of the coastal zones, including economic development).

Environmental protection limits ocean development – they tradeoff

Ocean Action 14 Mass Ocean Action 2014 Massachusetts Marine Trades Association, Summary of Draft Ocean Management Plan Issues <http://www.boatma.com/pdf/OceanZoningSampleTestimony.pdf>

5. Balancing Ocean Development and Environmental Protection:

The draft Plan attempts to address a fundamental challenge: "the ocean is a public trust resource, and the Commonwealth must effectively manage the protection and use of its waters on behalf of the public for the benefit of current and future generations" (Executive Summary, Vol. 1, page i).•

Does the draft Ocean Management Plan strike the right balance between ocean development and environmental protection?•

Are existing uses such as recreational and commercial fishing, recreational boating, and shipping recognized sufficiently in the plan

Development is limited by environmental protection – they tradeoff

Pederson 9 Judith Pederson, MIT Sea Grant College Program Gulf of Maine Regional Ocean Science Council Gulf of Maine Strategic Regional Ocean Science Plan 2009 http://seagrant.mit.edu/rosi/draft_final_rosp.pdf

Policy makers respond to public concerns, balancing development with environmental protection. Rarely are management decisions on coastal and ocean development, protection, restoration, reduction of wastes, and impacts of small projects reviewed or evaluated to see if they achieved their intended goals. The questions of "How to integrate science and policy?" and "What are the critical needs and tools to assist policy makers and managers?" serve as a framework for ecosystem approaches to management. Canada is poised to pass new legislation but also is taking a practical approach to ecosystem management. The U.S. has adopted ecosystem approaches to management for fisheries, but federal-level ocean policy reform has lagged in implementation. Managers need data that evaluate impacts of activities, often requiring new tools that translate scientific data into valid, useful information. These tools may include manager-friendly maps, scientifically-based models that are easy to use and transparent, and integration of decision-making options for specific activities.

Sustainable development is an environmental limit on development

Glemarec, 5 Yannick Glemarec, Deputy Executive Coordinator UNDP/GEF and Andrew Hudson, UN PROJECT DEVELOPMENT FACILITY, Request for Pipeline Entry Approval Date: 13 May 2005 <http://projects.inweh.unu.edu/inweh/display.php?ID=3660>

As a whole, the region cannot sustain its current level of development and use of marine and coastal resources. Some major challenges must be addressed in the short-term in order to reverse the downward trend in environmental quality and natural

resource values, and set the countries and their stakeholders, individually and collectively, on a path to sustainable development and management of the Seas of East Asia.

If the current trends in non-sustainable use of the coastal and marine resources of the region continue, the social fabric of many nations could dramatically deteriorate over the next 50 years. This could result in possible conflicts over the use of resources and their accessibility, social strife, economic slow down, and irreversible damage to the Seas of East Asia. The ongoing degradation of the resource base is attributed mainly to institutional failures: failure of the market system (e.g., pollution; over-extraction of resources; influential vested interests; inadequate property rights system); inappropriate and/or inconsistent application of government policies; inadequate information for decision-making; insufficient budgetary commitments and funding; and disparities in capacities among countries to be able to respond to the identified problems.

Sustainable development is a decrease in development -- Arctic example proves

Dubner 5 Barry Hart Dubner, Professor of Law, Barry University, Andreas School of Law

Missouri Environmental Law & Policy Review 2005 13 Mo. Env'tl. L. & Pol'y Rev. 1

ARTICLE: ON THE BASIS FOR CREATION OF A NEW METHOD OF DEFINING INTERNATIONAL, JURISDICTION IN THE ARCTIC OCEAN lexis

While the changes in Antarctica are alarming, this article concentrates on the problems in the Arctic region and discusses possible solutions. The purpose of this article is to set forth the possibility of creating a new jurisdictional boundary called an "Arctic indicator." The boundary would encircle the Arctic Ocean, and, by utilizing the boundary (as will be explained later in this article), the Arctic could maintain its pristine nature and possibly limit mineral development to zero or to a sustainable yield that would take into account the environmental/humanitarian problems. The problems of the Arctic are contained both in the ocean itself as well as the surrounding areas. It will first be necessary to define the geographic region known as the Arctic, separating the Ocean from the environs. Your author will then discuss the applicable law of the sea measures in the latest treaties involving ocean law. In other words, it will be necessary to set forth and describe what a continental shelf actually is in terms of the 1982 Law of the Sea Treaty and compare the treaty terminology to that of a geological continental shelf. To accomplish this end, it will be necessary to review various articles written on the subject with the view of presenting the problems, as various scholars see them (e.g., in terms of how indigenous people are affected by what is going on in the Arctic Ocean and its environs as well as other data concerning human rights and environmental hazards).

Arctic proves sustainable development is a limit on development

Dubner 5 Barry Hart Dubner, Professor of Law, Barry University, Andreas School of Law

Missouri Environmental Law & Policy Review 2005 13 Mo. Env'tl. L. & Pol'y Rev. 1

ARTICLE: ON THE BASIS FOR CREATION OF A NEW METHOD OF DEFINING INTERNATIONAL, JURISDICTION IN THE ARCTIC OCEAN lexis

In addition to climate change, the ACIA report, together with other studies, suggest that "many other stresses caused by human activities are affecting Arctic life, including pollution, over fishing, increasing levels of ultraviolet radiation due to ozone depletion and habitat alteration." n44 The fourth Ministerial Meeting of the Arctic Council "issued a declaration noting with concern the findings and impacts documented by the [ACIA]." n45 The Council acknowledged that such findings and underlying scientific assessment help to provide governments with the information necessary to implement change and consider international cooperation to address future circumpolar challenges. n46 The Council further requested the Working Group on the Protection of the Arctic Marine Environment ("PAME") to carry out a comprehensive Arctic shipping assessment, recognizing that many environmental changes have had significant impacts on the Arctic's living resources, its environment, and its residents. n47 "Conservation of biodiversity [is] necessary for achieving sustainable development in the region." n48

Sustainable development reduces development

UN 11 UN Conference on Sustainable Development (Rio+20) 2011 An inter-agency paper towards the preparation of the Blueprint for ocean and coastal sustainability http://www.unesco.org/new/fileadmin/MULTIMEDIA/HQ/SC/pdf/interagency_blue_paper_ocean_rioPlus20.pdf

SIDS expect Rio+20 to provide support for sustainable ocean development and protection of resources. Measures could include actions to reduce fishing overcapacity, to establish MPAs, enhance and support local coastal management efforts, improve wastewater treatment as well as solid waste management and recycling. Significantly, capacity development could take place through SIDS-SIDS partnerships based on the sharing and consolidation of unique SIDS approaches to coastal management; such as the Pacific Locally Managed Marine Areas (LMMA) network, the recognition and transmission of local and indigenous knowledge and customary management of the coastal environment, and community participation in scientific coastal monitoring, management and decision-making as practiced in UNESCO's Sandwatch programme.

Sustainable development includes a presumption against development – it restricts development unless proven safe

Agardy et al 11 Tundi Agardy, John Davis, Kristin Sherwood, Ole Vestergaard -Division for Environmental Policy Implementation, United Nations Environment Programme June 2011, Taking Steps toward Marine and Coastal Ecosystem-Based Management AN INTRODUCTORY GUIDE
http://www.unep.org/pdf/EBM_Manual_r15_Final.pdf

Existing legal frameworks have also enabled the adoption of the precautionary approach. The precautionary approach builds on the precautionary principle agreed at the World Summit on Sustainable Development (2002), which states: “Where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation.” In other words, when scientific knowledge is incomplete, regulators should err on the side of caution (that is, act in the least risky manner) within reasonable economic and social limits. In some legal systems, including the European Union’s, the precautionary approach is formalized in statutory law, and the concept arises often in ecosystem-based management. This precautionary approach reflects a shifting of the “burden of proof”. Traditionally, regulators have had to prove that an activity is unsafe before regulating or disallowing it: i.e., a proposed activity has been assumed to be safe until proven otherwise. Under the precautionary approach, the proponent of a new or expanded activity must show the activity is safe before it is fully allowed, shifting the burden of proof from the public sector to the private sector. Thus, the fishing industry may shoulder the costs of collecting data and conducting analyses to show that an increase in quota would not adversely affect stocks, food webs, and biodiversity. Similarly, a marina developer proposing to convert coastal wetlands may need to finance studies to show the development would not adversely impact the delivery of ecosystem services — such as provision of fish nursery areas, filtering of pollutants, and maintaining hydrological balances.

ZONING / PROPERTY RIGHTS

Zoning can be used to promote ocean development

PR Web 14 PRWeb January 16, 2014 ABA Book Explores Ocean Zoning As Tool for Coastal Zone Management

<http://www.prweb.com/releases/2014/01/prweb11490939.htm>

With oceans considered by many as one of the last frontiers, a new American Bar Association book will help experts and government planners use zoning as a vehicle for ocean development and management.

“Zoning the Oceans: The Next Big Step in Coastal Zone Management” is the first book to focus on new and emerging state ocean zoning programs in the context of recent developments in offshore coastal zone regulation at the state and federal levels. The timely and relevant book delves into a wide range of coastal zone management issues, including how states can use ocean zoning regulations to foster offshore renewable energy development, such as wind and wave energy. The book also explores how to protect sensitive coastal environments from harm.

“Zoning the Oceans” contains four parts: Two provide an overview of coastal zone management and ocean zoning approaches at the state and federal levels, and two focus on the development, design and implementation of the Rhode Island’s Ocean Special Area Management Plan, the nation’s first state ocean zoning plan to be federally approved. Other states have looked to this plan as a possible blueprint for ocean zoning initiatives.

Typically, states can use ocean zoning initiatives to extend their influence three nautical miles (almost 3 ½ miles) to the boundaries of federal waters. However, through skillful use of marine spatial planning techniques and ocean zoning, a state can actually extend its influence well into federal waters and well into the waters of other states, requiring that certain federally regulated activities in those waters be consistent with a state’s own coastal management program. The regulated activities that may be affected include offshore alternative energy development; oil, gas and mineral extraction; shipping and transportation; underwater cabling and communications; and recreation and tourism.

States have zoning laws limiting ocean based renewable energy

Dennis 10 Jeffery S. Dennis and Florence K.S. Davis, Renewable Energy & Demand-Side Management Committee Energy Law Journal 2010 31 Energy L. J. 287 COMMITTEE REPORT: REPORT OF THE RENEWABLE ENERGY & DEMAND-SIDE MANAGEMENT COMMITTEE lexis

Another development in 2009 included progress in the area of ocean zoning, which is a regulatory tool for implementing a spatial management plan. n140 The federal government n141 and several states, including Massachusetts, Rhode Island, and Virginia, are working on ocean zoning initiatives. n142 These ocean zoning efforts, which strive to balance competing demands for ocean areas between traditional uses such as fishing and recreation with new renewable energy uses, could have a significant impact on the siting of hydrokinetic projects and other ocean-based energy projects by predetermining areas that are open for development. For example, the Massachusetts Ocean Management Plan, which was finalized in December 2009, identifies zones suitable for commercial-scale energy development and establishes certain zones in which any commercial activity is prohibited. n143 The plan establishes three general categories of "Management Areas": (1) Prohibited Areas such as marine sanctuaries in which commercial-scale activities are prohibited; (2) Renewable Energy Areas in which renewable energy projects are expressly contemplated; [*307] and (3) Multi-Use Areas in which numerous activities are contemplated such as aquaculture, cables and pipelines, extraction of sand and gravel, certain small-scale wind facilities, and wave and tidal facilities. n144

Property rights restrict development

Mansfield 4 Becky Mansfield Department of Geography, Ohio State University, Geoforum

Volume 35, Issue 3, May 2004, Pages 313–326 Neoliberalism in the oceans: “rationalization,” property rights, and the commons question Science Direct <http://www.sciencedirect.com/science/article/pii/S0016718503001155>

In this paper, I address these questions by analyzing the development of neoliberalism in the oceans, and in particular in ocean fisheries. Examining the ways that past policy orientations toward fisheries have influenced the development of neoliberal approaches to ocean governance, I contend that neoliberalism in the oceans centers specifically around concerns about property and the use of privatization to create markets for governing access to and use of ocean resources. Within the Euro-American tradition that has shaped international law of the sea, the oceans (including the water column, seabed, and living and mineral resources) were long treated as common property—the “common heritage of mankind” (Pardo, 1967)—open to all comers with the means to create and exploit oceanic opportunities. Although historically there has also been continual tension between this openness of access and desire for territorialization (especially of coastal waters), treating the oceans as a commons is consistent with the idea that oceans are spaces of movement and transportation, which have facilitated mercantilism, exploration, colonial expansion, and cold war military maneuvering (Steinberg, 2001).¹ Oceans have also long been sites for resource extraction, yet it has not been until recent decades that new economic desires and environmental contradictions have contributed to a pronounced move away from open access and freedom of the seas. New technologies for resource extraction combined with regional

overexploitation have contributed to conflicts over resources, to which representatives from academia, politics, and business have responded by calling for enclosing the oceans within carefully delimited regimes of property rights, be those regimes of state, individual, or collective control.

MISC

Law of the Sea is a framework for development

Laffoley 13 Professor Dan Laffoley, Senior Advisor Marine Science and Conservation Global Marine and Polar Programme and Vice Chair of the World Commission on Protected Areas. Commonwealth Secretariat (UK) Discussion Paper Number 14 • May 2013 A New Approach to Ocean Governance Practical ways to fast track the Green Economy, http://www.secretariat.thecommonwealth.org/files/254813/FileName/Ocean_Governance_Discussion_Paper_14.pdf

The existing international ocean governance framework is complex, comprising a network of international and regional agreements, intergovernmental and civil society organisations and economic/market-based drivers. The basic international framework governing the oceans is provided by the 1982 United Nations Convention on the Law of the Sea (LOS)³, which establishes a comprehensive framework for the use and development of the oceans. The Convention defines jurisdictional zones and sets out rights and obligations of countries on the basis of those zones. There are also complementary international agreements that address specific activities or regions. These include the 1995 UN Fish Stocks Agreement, the Convention on Biological Diversity (CBD) and Chapter 17 of Agenda 21. Four sectoral conservation treaties are also relevant: the Ramsar Convention on wetlands, the World Heritage Convention on sites of universal value, the CITES Convention on endangered species, and the Bonn Convention on migratory species. The World Trade Organization is concerned with trade restrictive policy measures affecting market access (subsidies) and labelling (fishing practices). At the regional level, the UNEP Regional Seas Programme and a range of regional marine environmental programmes address the use and protection of the marine environment. In certain regions, regional fisheries management organisations (RFMOs) have been established to develop and implement conservation and management measures for fisheries.

Development is difficult to define

Gilbert '04 (Jane, MA, MSc, Independent Clinical Psychologist, Facilitator and Writer, "Development": the power of a word to define our world", 2004, <http://www.janegilbert.co.uk/unpublished%20papers/Development%20-%20the%20power%20of%20a%20word%20to%20define%20our%20world.pdf>, C.B.)

On close examination, —development— is a strange, multi-layered word with a complex web of inter-related associations. The history of the word cannot be reviewed in detail, but some points in relation to the evolution of its use are pertinent. Even two hundred years ago —development— had already accumulated a whole variety of connotations, including its use as a metaphor for the natural growth of plants and animals. At that time, scientists had begun to use the words evolution and development almost interchangeably. By 1800 the idea of —self development— became fashionable. Marx also used the idea of —development— in a similar way to the way it had been used to describe nature, to describe the evolution of societies, which he considered developed through a historical process to a —better— condition. By 1900 the word —development— had accumulated so many connotations and was being used in so many different contexts that its meaning could no longer be defined precisely. In addition to all the earlier connotations attached to the word prior to 1900, at the beginning of the 20th century a new use of the term development became widespread — urban development. Since then the word —development— has also been used to describe a specific manner of reformulation of urban surroundings. Thus throughout this century the meanings associated with —development— concurred with many other previous meanings step by step to transform the word —development— into something that is now used in very many different contexts and is thus extremely imprecise. As mentioned earlier, thinking cannot be detached from words. When a person uses the word —development— the associated web of meanings — growth, evolution, maturation — are also implicitly assumed. In present day usage —development— now always implies a favourable change, a step from the simple to the complex, from the inferior to the superior, from worse to better. The word indicates that one is doing well because one is advancing in the sense of a necessary, ineluctable, universal law and toward a desirable goal.

LIMITS CARDS

Affs can claim limitless possible ocean development

Steinberg 99 Philip E. Steinberg, Florida State University Professional Geographer, 51(3) 1999, pages 366–375 Navigating to Multiple Horizons: Toward a Geography of Ocean-Space*
<http://mailer.fsu.edu/~psteinbe/garnet-psteinbe/pgfocus.pdf>

Ocean-space has also provided a foundational, if somewhat ephemeral, **grounding for some of the major** geopolitical, geocultural, and geoeconomic **referents of our time**, including the North Atlantic Treaty Organization and the Pacific Rim. With reference to the Pacific Rim in particular, Wilson and Dirlik (1995) discuss how the **discursive construction of a geographical identity** focused around the “rim” of a supposedly essence-free center **reproduces** modernist images of placelessness, **an unbounded potential for progress and development**, and—quite literally—the liquidity and fungibility of capital. Through the manipulation of marine imagery, **the focal space of capital is defined solely as a space of movement, leaving the places on its borders defined as points of limitless opportunity for investment and “development”** (see also Dirlik 1993; Steinberg 1999).

Possibilities for ocean development and exploration are nearly limitless

Swaminathan 3 Dr K V Swaminathan, Waterfalls Institute of Technology Transfer (WITT) February 2003 Ocean Vistas
http://www.witts.org/Ocean_wealth/oceanwealth_01_feb03/wista_oceanwealth_feture.htm

The oceans cover nearly two-thirds of the world's surface area and have profoundly influenced the course of human development. Indeed the great markers in man's progress around the world are in a large measure the stages in his efforts to master the oceans. Nations and people who are conscious of the **almost limitless** potential of the oceans. Those who **have sought to** comprehend its deep mysteries, processes and rhythms and have made efforts to **explore and utilize its resources**, stand in the van of progress, while those who have been indifferent to the critical role that oceans play in human life and its development, have remained mired in stagnation and backwardness.

EARTH

Earth is the third planet from the sun

Random House 14 Dictionary.com Unabridged Based on the Random House Dictionary, © Random House, Inc. 2014. Cite This Source <http://dictionary.reference.com/browse/earth>

earth [urth] Show IPA noun

1. (often initial capital letter) the planet third in order from the sun, having an equatorial diameter of 7926 miles (12,755 km) and a polar diameter of 7900 miles (12,714 km), a mean distance from the sun of 92.9 million miles (149.6 million km), and a period of revolution of 365.26 days, and having one satellite. See table under planet.
2. the inhabitants of this planet, especially the human inhabitants: The whole earth rejoiced.
3. this planet as the habitation of humans, often in contrast to heaven and hell: to create a hell on earth.
4. the surface of this planet: to fall to earth.
5. the solid matter of this planet; dry land; ground.

Collins 9 Collins English Dictionary - Complete & Unabridged 10th Edition 2009 © William Collins Sons & Co. Ltd. 1979, 1986 © HarperCollins Publishers 1998, 2000, 2003, 2005, 2006, 2007, 2009

Cite This Source <http://dictionary.reference.com/browse/earth>

earth (3:θ) — n

1. (sometimes capital) the third planet from the sun, the only planet on which life is known to exist. It is not quite spherical, being flattened at the poles, and consists of three geological zones, the core, mantle, and thin outer crust. The surface, covered with large areas of water, is enveloped by an atmosphere principally of nitrogen (78 per cent), oxygen (21 per cent), and some water vapour. The age is estimated at over four thousand million years. Distance from sun: 149.6 million km; equatorial diameter: 12 756 km; mass: 5.976×10^{24} kg; sidereal period of axial rotation: 23 hours 56 minutes 4 seconds; sidereal period of revolution about sun: 365.256 days Related: terrestrial, tellurian, telluric, terrene
2. the inhabitants of this planet: the whole earth rejoiced
3. the dry surface of this planet as distinguished from sea or sky; land; ground
4. the loose soft material that makes up a large part of the surface of the ground and consists of disintegrated rock particles, mould, clay, etc; soil
5. worldly or temporal matters as opposed to the concerns of the spirit
6. the hole in which some species of burrowing animals, esp foxes, live
7. chem rare earth See alkaline earth
8. a. a connection between an electrical circuit or device and the earth, which is at zero potential
b. US and Canadian equivalent: ground a terminal to which this connection is made
9. Also called: earth colour any of various brown pigments composed chiefly of iron oxides
10. (modifier) astrology air fire Compare water of or relating to a group of three signs of the zodiac, Taurus, Virgo, and Capricorn
11. informal cost the earth to be very expensive
12. come back to earth, come down to earth to return to reality from a fantasy or daydream
13. on earth used as an intensifier in such phrases as what on earth, who on earth, etc
14. run to earth
a. to hunt (an animal, esp a fox) to its earth and trap it there
b. to find (someone) after searching

Science Dictionary 2 The American Heritage® Science Dictionary Copyright © 2002. Published by Houghton Mifflin. All rights reserved. Cite This Source <http://dictionary.reference.com/browse/earth>

Earth [%PREMIUM_LINK%] (úrth) Pronunciation Key

The third planet from the Sun and the densest planet in the solar system. Earth is a terrestrial or inner planet consisting of a thin outer crust, an intermediate mantle, and a dense inner core. It has an atmosphere composed primarily of nitrogen and oxygen and is the only planet on which water in liquid form exists, covering more than 70 percent of its surface. It is also the only planet on which life is known to have evolved, occupying the relatively thin region of water, land, and air known as the biosphere. Earth has a single, relatively large natural satellite, the Moon. See more at atmosphere, core, crust, mantle. See Table at solar system.

American Heritage 9 The American Heritage® Dictionary of the English Language, Fourth Edition copyright ©2000 by Houghton Mifflin Company. Updated in 2009. Published by Houghton Mifflin Company. All rights reserved.
<http://www.thefreedictionary.com/earth>

earth (ûrth) n.

1. a. The land surface of the world.
- b. The softer, friable part of land; soil, especially productive soil.
2. often Earth The third planet from the sun, having a sidereal period of revolution about the sun of 365.26 days at a mean distance of approximately 149 million kilometers (92.96 million miles), an axial rotation period of 23 hours 56.07 minutes, an average radius of 6,378 kilometers (3,963 miles), and a mass of approximately 5.974×10^{24} kilograms (1.317×10^{25} pounds).
3. The realm of mortal existence; the temporal world.
4. The human inhabitants of the world: The earth received the news with joy.
5. a. Worldly affairs and pursuits.
- b. Everyday life; reality: was brought back to earth from his daydreams of wealth and fame.
6. The substance of the human body; clay.
7. The lair of a burrowing animal.
8. Chiefly British The ground of an electrical circuit.
9. Chemistry Any of several metallic oxides, such as alumina or zirconia, that are difficult to reduce and were formerly regarded as elements.

EXPLORATION

INVESTIGATION

Exploration is systematic discovery of all aspects of the ocean

National Academies 9 National Academies – National Academy of Sciences, National Academy of Engineering, Institute of Medicine, and National Research Council 2009 Ocean Exploration Highlights of National Academies Reports
http://dels.nas.edu/resources/static-assets/osb/miscellaneous/exploration_final.pdf

What Is Ocean Exploration?

As defined by the President's Panel on Ocean Exploration (National Oceanic and Atmospheric Administration, 2000), ocean exploration is discovery through disciplined, diverse observations and recordings of findings. It includes rigorous, systematic observations and documentation of biological, chemical, physical, geological, and archeological aspects of the ocean in the three dimensions of space and in time.

Exploration is investigation of ocean conditions

Baird 5 Stephen L. Baird is a technology education teacher at Bayside Middle School, Virginia Beach, Virginia and adjunct faculty member at Old Dominion University. The Technology Teacher 65.4 (Dec 2005/Jan 2006): 14-18. DEEP-SEA EXPLORATION: EARTH'S FINAL FRONTIER

<http://search.proquest.com/docview/235289482/CEF52E354E854776PQ/11?accountid=10422>

Deep-sea exploration is the investigation of the physical, chemical, and biological conditions at the bottom of the ocean for scientific and commercial purposes. Throughout history, scientists have relied on a number of specialized tools to measure, map, and view the ocean's depths. One of the first instruments used to investigate the ocean floor was the sounding weight. Viking sailors took measurements of the depth of the ocean and samples of seafloor sediments with this device, which consisted of a weight with a hollow bottom attached to a line. Once the weight reached the ocean bottom and collected a sediment sample, the line was hauled back onboard ship and measured by the distance between a sailor's outstretched arms--a 1.83-meter (six foot) unit that was called a fathom, a term still used today for nautical depth.

Exploration is searching the oceans for new discoveries

NOAA 13 NOAA Ocean Explorer What Is Ocean Exploration and Why Is It Important? Revised January 07, 2013 by the Ocean Explorer Webmaster <http://oceanexplorer.noaa.gov/backmatter/whatisexploration.html>

Ocean exploration is about making new discoveries, searching for things that are unusual and unexpected.

Although it involves the search for things yet unknown, ocean exploration is disciplined and systematic. It includes rigorous observations and documentation of biological, chemical, physical, geological, and archaeological aspects of the ocean.

Findings made through ocean exploration expand our fundamental scientific knowledge and understanding, helping to lay the foundation for more detailed, hypothesis-based scientific investigations.

While new discoveries are always exciting to scientists, information from ocean exploration is important to everyone. Unlocking the mysteries of deep-sea ecosystems can reveal new sources for medical drugs, food, energy resources, and other products.

Information from deep-ocean exploration can help predict earthquakes and tsunamis and help us understand how we are affecting and being affected by changes in Earth's climate and atmosphere. Expeditions to the unexplored ocean can help focus research into critical geographic and subject areas that are likely to produce tangible benefits.

Ocean exploration can improve ocean literacy and inspire new generations of youth to seek careers in science, technology, engineering, and mathematics. The challenges of exploring the deep ocean can provide the basis for problem-solving instruction in technology and engineering that can be applied in other situations.

Exploration leaves a legacy of new knowledge that can be used by those not yet born to answer questions not yet posed at the time of exploration.

The Ocean Explorer website chronicles ocean explorations co-funded by the NOAA Office of Ocean Exploration and Research, explains the tools and technology used during these explorations, and provides opportunities for people of all ages to expand their understanding of the ocean environment.

Scientists, policy makers, and others interested in learning more about the "business" behind the science presented on this site are encouraged to visit the NOAA Office of Ocean Exploration and Research website.

Exploration is investigation of unknown areas

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ex·plo·ra·tion [ek-spluh-rey-shuhn] Show IPA noun

1. an act or instance of exploring or investigating; examination.
2. the investigation of unknown regions.

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ex•plo•ra•tion (,ɛk splə'reɪʃən)n.

1. an act or instance of exploring.
2. the investigation of unknown regions.

Collins 3 Collins English Dictionary – Complete and Unabridged © HarperCollins Publishers 1991, 1994, 1998, 2000, 2003

<http://www.thefreedictionary.com/exploration>

exploration (,ɛksplə'reɪʃən) n

1. the act or process of exploring
2. (Medicine) med examination of an organ or part for diagnostic purposes
3. an organized trip into unfamiliar regions, esp for scientific purposes; expedition

IS EXPLORING --DEFINITIONS OF EXPLORE APPLY

Exploration is exploring – definitions of explore apply

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exploration (ˌɛkspləˈreɪʃən) — n

1. the act or process of exploring
2. med examination of an organ or part for diagnostic purposes
3. an organized trip into unfamiliar regions, esp for scientific purposes; expedition

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<http://www.thefreedictionary.com/exploration>

ex·plo·ra·tion (ɛkˈsplə-rāˈshən) n.

The act or an instance of exploring: Arctic exploration; exploration of new theories.

EXPLORE IS INVESTIGATION

Explore is careful investigation

Merriam-Webster 14 Merriam-Webster 2014 <http://www.merriam-webster.com/dictionary/explore>

ex·plore verb \ik-'splör\

: to look at (something) in a careful way to learn more about it : to study or analyze (something)
: to talk or think about (something) in a thoughtful and detailed way
: to learn about (something) by trying it

ex·plored ex·plor·ing

Full Definition of EXPLORE transitive verb

1a : to investigate, study, or analyze : look into <explore the relationship between social class and learning ability> —sometimes used with indirect questions <to explore where ethical issues arise — R. T. Blackburn>

b : to become familiar with by testing or experimenting <explore new cuisines>

2: to travel over (new territory) for adventure or discovery

3: to examine especially for diagnostic purposes <explore the wound>

Collins 3 Collins English Dictionary – Complete and Unabridged © HarperCollins Publishers 1991, 1994, 1998, 2000, 2003
<http://www.thefreedictionary.com/explore>

explore (ik'splɔ:) vb

1. (tr) to examine or investigate, esp systematically
2. to travel to or into (unfamiliar or unknown regions), esp for organized scientific purposes
3. (Medicine) med (tr) to examine (an organ or part) for diagnostic purposes
4. (tr) to search for or out

Explore is systematic search

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<http://www.thefreedictionary.com/explore>

ex·plore (ĭk-splĭr' , -splōr') v. ex·plored, ex·plor·ing, ex·plores
v.tr.

1. To investigate systematically; examine: explore every possibility.
2. To search into or travel in for the purpose of discovery: exploring outer space.
3. Medicine To examine for diagnostic purposes.

v.intr.

To make a careful examination or search: scientists who have been known to explore in this region of the earth.

Merriam-Webster 14 Merriam-Webster 2014 <http://www.merriam-webster.com/dictionary/explore>

Explore intransitive verb

: to make or conduct a systematic search <explore for oil>

Explore is traverse for discovery

Webster's College 10 Random House Kernerman Webster's College Dictionary, © 2010 K Dictionaries Ltd. Copyright 2005, 1997, 1991 by Random House, Inc. All rights reserved. <http://dictionary.reference.com/browse/explore>

ex·plore (ik'splɔr, -'splour)

v. -plored, -plor·ing. v.t.

1. to traverse or range over (a region, area, etc.) for the purpose of discovery: to explore an island.
2. to look into closely; investigate: explored the possibilities.
3. to examine, esp. mechanically, as with a surgical probe: to explore a wound.

v.i.

4. to engage in exploration.

Oxford 14 Oxford Dictionaries 2014

http://www.oxforddictionaries.com/us/definition/american_english/explore

explore Syllabification: ex·plore Pronunciation: /ik'splôr

verb [with object]

1 Travel in or through (an unfamiliar country or area) in order to learn about or familiarize oneself with it: the best way to explore Iceland's northwest • figurative the project encourages children to explore the world of photography

More example sentences Synonyms

1.1 [no object] (explore for) Search for resources such as mineral deposits: the company explored for oil

More example sentences

1.2 Inquire into or discuss (a subject or issue) in detail: he sets out to explore fundamental questions

More example sentences

1.3 Examine or evaluate (an option or possibility): you continue to explore new ways to generate income

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This Source <http://dictionary.reference.com/browse/explore>

ex·plore

[ik-splawr, -splohr] Show IPA

verb (used with object), ex·plored, ex·plor·ing.

1. to traverse or range over (a region, area, etc.) for the purpose of discovery: to explore the island.

2. to look into closely; scrutinize; examine: Let us explore the possibilities for improvement.

3. Surgery . to investigate into, especially mechanically, as with a probe.

4. Obsolete . to search for; search out.

verb (used without object), ex·plored, ex·plor·ing.

5. to engage in exploration.

Explore is traverse the unknown, especially for science

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<http://dictionary.reference.com/browse/explore>

explore (ik'splɔː) — vb

1. (tr) to examine or investigate, esp systematically

2. to travel to or into (unfamiliar or unknown regions), esp for organized scientific purposes

3. (tr) med to examine (an organ or part) for diagnostic purposes

4. obsolete (tr) to search for or out

TYPES / METHODS OF OCEAN EXPLORATION

Six areas of exploration have been recommended as priorities

NRC 3 Committee on Exploration of the Seas, National Research Council 2003 Exploration of the Seas: Voyage into the Unknown <http://explore.noaa.gov/sites/OER/Documents/national-research-council-voyage.pdf>

Recommendation: Several promising areas were identified as having broad international interest and are recommended as potential initial exploration themes:

- marine biodiversity;
- the Arctic Ocean;
- the Southern Ocean and Antarctic ice shelves;
- deep water and its influence on climate change;
- exploring the ocean through time; and
- marine archaeology.

Studies in those areas will reveal additional insights into living and nonliving resources (fisheries, bioproducts, energy resources, mineral deposits); human history; and how changes in physical, chemical, and biological properties of the ocean and seafloor affect our environment and climate. The list clearly is not exhaustive, but it identifies some areas in which international interest has been demonstrated, and for which major discoveries are likely. Two of these exploration themes, marine biodiversity and the Arctic Ocean, are used later in this report as examples for the project selection process for ocean exploration programs.

Four methods are recommended for ocean exploration

McNutt 1 DR.MARCIA K.MCNUTT, Monterey Bay Aquarium Research Institute November 1, 2001

THE THIRD ANNUAL ROGER REVELLE COMMEMORATIVE LECTURE Ocean Exploration

<http://nas-sites.org/revellelecture/files/2011/11/2001-Program.pdf>

Just two years ago I was asked by NOAA Administrator Jim Baker to chair a panel of distinguished researchers, explorers, educators, and marine archaeologists to develop a national strategy for ocean exploration. The report was commissioned by the White House on the bicentennial of the Lewis and Clark expedition, and was intended to expand exploration of our planet to the portions that lie under the sea.

The panel embraced the charge with relish, and recommended that the nation implement a program of ocean exploration with 4 elements:

1. Voyages of discovery.
2. Platform and instrumentation development.
3. Data management and dissemination.
4. Formal and informal educational outreach.

Various technologies are available to explore the ocean floor

Tsujino 7 TERUHISA TSUJINO, Monodzukuri Technology, Infrastructure and Frontier Research Unit

SCIENCE & TECHNOLOGY TRENDS QUARTERLY REVIEW No.24 / July 2007

Exploration Technologies for the Utilization of Ocean Floor Resources — Contribution to the Investigation for the Delineation of Continental Shelf —

<http://www.nistep.go.jp/achiev/ftx/eng/stfc/stt024e/qr24pdf/STTqr2405.pdf>

Among the ocean floor exploration technologies are bathymetry technology (measurement of seabed geography), seismic exploration technology (geological survey of seabed), bedrock sampling technology (seabed drilling), geophysical observation technology (measurement of gravitational force and earth magnetism). Furthermore, in the Promotion Strategies for the Frontier Field of the Third Science and Technology Basic Plan [2], targets for research and development making use of diversified exploration technologies are shown relating to major subjects of ocean development, such as “elucidation of the inner structure of the earth” and “ocean utilization technology.”

Exploration includes all aspects of the ocean

NOAA 13 NOAA Report of Ocean Exploration 2020: A National Forum. 2013

http://oceanexplorer.noaa.gov/oceanexploration2020/oe2020_report.pdf

Participants noted that “ocean exploration” includes everything from the sub-sea floor to the ocean surface. In all of these geographic areas, participants agreed that a greater emphasis should be placed on exploring the water column than often has been the case in the past.

Exploration covers both living and non-living resources and ocean characteristics

NOAA 9 DEPARTMENT OF COMMERCE National Oceanic and Atmospheric Administration (NOAA)

[Docket No. 0908101223-91223-01; I.D. GF001] Applications for the FY 2010 Ocean Exploration (OE) Program [Federal Register Volume 74, Number 165 (Thursday, August 27, 2009)]

<http://www.gpo.gov/fdsys/pkg/FR-2009-08-27/html/E9-20740.htm>

SUPPLEMENTARY INFORMATION: Ocean exploration was defined by the 2000 President's Panel on Ocean Exploration, as "discovery through disciplined diverse observations and the recording of the finding." NOAA's Office of Ocean Exploration and Research seeks to catalyze ocean discovery and understanding at our ocean and Great Lakes frontiers through bold and innovative explorations. These explorations should revolutionize our knowledge baselines by exploring, characterizing and mapping, at new and/or higher scales, the oceans' living and nonliving resources and its physical, chemical and biological characteristics. Data and observations resulting from OE expeditions will result in new discoveries, new insight, new knowledge and new frontiers and will likely lead to the revision of existing paradigms or the formulation of new paradigms in the oceans poorly known and unknown regions. The purpose of this announcement is to invite the submission of pre-proposals and full proposals that address ocean exploration and advanced technology development. Through discovery and the systematic exploration of unknown ocean areas and phenomena, OER serves to ensure NOAA can meet its goal to, "Protect, Restore, and Manage the Use of Coastal and Ocean Resources Through an Ecosystem Approach to Management" (New Priorities for the 21st Century, NOAA's Strategic Vision). The results of OER activities are cornerstones upon which ecosystems will be discovered, defined and understood thus enabling them to be protected, restored, and managed. The interdisciplinary and multidisciplinary nature of OER activities also serves NOAA's current strategic plan (New Priorities for the 21st Century--NOAA's Strategic Plan) goal to "Understand Climate Variability and Change to Enhance Society's Ability to Plan and Respond." The discovery and characterization of new ocean phenomena and dynamic processes provide essential information for understanding ocean--atmosphere connections and their influence on climate. The discovery of new habitats and species also provides essential information for understanding the effects of a changing climate on the marine resources upon which we depend.

Exploration includes long term observation of the ocean

Gudes 1 Scott Gudes, Acting Administrator and Deputy Under Secretary of the National Oceanic and Atmospheric Administration (NOAA). JULY 12, 2001 "OCEAN EXPLORATION AND COASTAL AND OCEAN OBSERVING SYSTEMS" HEARING BEFORE THE SUBCOMMITTEE ON ENVIRONMENT, TECHNOLOGY, AND STANDARDS, COMMITTEE ON RESOURCES, HOUSE OF REPRESENTATIVES

<http://www.gpo.gov/fdsys/pkg/CHRG-107hrg73840/pdf/CHRG-107hrg73840.pdf>

Ocean exploration includes the examination of the temporal components of the sea, and that includes the long-term monitoring of ocean characteristics, and an integrated ocean observation system. NOAA is engaged in multiple ocean observation programs already, and recognizes that an integrated ocean observation system is worthy of its own identity and will hold merit to future aspects of scientific inquiry.

Exploration includes targeted and systematic approaches

NOAA 13 Office of Oceanic and Atmospheric Research | NOAA | Department of Commerce

Fiscal Year 2013 in Review – Exploration <http://explore.noaa.gov/Exploration/Overview.aspx>

The President's Panel Report on Ocean Exploration defined ocean exploration as discovery through disciplined, diverse observations and recordings of findings. It includes rigorous, systematic observations and documentation of biological, chemical, physical, geological, and archaeological aspects of the ocean in the three dimensions of space and in time.

The Panel's recommendations gave rise to NOAA's Office of Ocean Exploration in 2001 and helped establish NOAA as the lead agency for a federal ocean exploration program. This leadership continues within OER. There are two paradigms for exploration:

Targeted exploration: The sweeping goals of an exploration program can be met only if specific ocean regions or problems are tackled. In partnership with academia and other government agencies, the "holes in the sea," are explored: areas ripe for discovery where there has been little exploration to date. Expeditions based on programmatic and geographic areas of study include (but are not limited to) marine biodiversity, the Arctic Ocean, the Gulf of Mexico, exploring the ocean through time, and marine archaeology.

Systematic exploration: OER and partners are advancing a new paradigm for exploration, giving shore-based explorers of all kinds and ages access to the excitement of real-time discovery on the NOAA Ship Okeanos Explorer and the Exploration Vessel (E/V) Nautilus. Using high-speed satellite and Internet 2 connections, explorers can remain on shore at Exploration Command Centers and guide or contribute to exploration plans and observations, communicating real-time with the shipboard scientists and technicians. Through standard Internet connections, anyone with a computer and web access can watch and listen in on operations aboard ship, bringing real-time exploration into living rooms, schools, laboratories and businesses across the globe. Great challenges remain to fully exploring and understanding the ocean. Cutting-edge technologies and methodologies continue to be developed by those dedicated to ocean exploration, and the potential of ocean exploration has only begun to be met.

Exploration includes examining mineral resources in the ocean

Seabed Minerals Act 10 DEEP SEABED HARD MINERAL RESOURCES ACT July 1, 2010

<http://www.house.gov/legcoun/Comps/seabed.pdf>

(5) “exploration” means—

(A) any at-sea observation and evaluation activity which has, as its objective, the establishment and documentation of—

(i) the nature, shape, concentration, location, and tenor a hard mineral resource; and

(ii) the environmental, technical, and other appropriate factors which must be taken into account to achieve commercial recovery; and

(B) the taking from the deep seabed of such quantities of any hard mineral resource as are necessary for the design, fabrication, and testing of equipment which is intended to be used in the commercial recovery and processing of such resource;

Exploration is more than just the search for resources to be extracted

NRC 3 Committee on Exploration of the Seas, National Research Council Exploration of the Seas: Voyage into the Unknown

2003 <http://www.nap.edu/catalog/10844.html>

As defined by the President’s Panel on Ocean Exploration (National Oceanic and Atmospheric Administration, 2000), exploration is discovery through disciplined, diverse observations and the recording of findings.

Ocean exploration has included rigorous, systematic observation and documentation of the biological, chemical, physical, geological, and archaeological aspects of the ocean in the three dimensions of space and in time.

This definition of exploration is much broader than the definition one would find, for example, within the context for the extractive industries, where exploration is a search for hydrocarbon or mineral deposits. More general approaches allow researchers to develop and ask questions that are not rooted in specific hypotheses and that often lead to unexpected answers— a difficult task to promote within the current approaches to research funding.

Exploration is different from scientific research

Barnett 12 Judith B. Barnett is Professor/Cataloger, University of Rhode Island Library, "Ocean Exploration : A Guide to Information Resources" (2012). Technical Services Department Faculty Publications. Paper 57.

http://digitalcommons.uri.edu/lib_ts_pubs/57

Ocean exploration is broadly interpreted here as scientific, as well as geographical discovery. The similarities and differences between ocean exploration and scientific research are outlined in a National Research Council Report which proposes a long-term effort to finance United States ocean exploration (Exploration 2003, 3-5). Books, encyclopedias, bibliographies, databases, websites and the collections of university libraries and marine research institutions are included. (A separate list of websites is provided at the end of this article). Information varies in level from that of the general reader to the specialized user. These works are appropriate for both undergraduate and research level collections. Authors have scientific backgrounds and their books are widely held in OCLC-member academic libraries. Favorable reviews appear in Choice, Library Journal and New York Times Book Review. Many titles are repeatedly cited in the bibliographies mentioned below.

Exploration is cooperative and collaborative

NOAA 13 NOAA Ocean Exploration 2020 About Ocean Exploration 2020: A National Forum

Revised July 30, 2013 <http://oceanexplorer.noaa.gov/oceanexploration2020/about.html>

Title XII of Public Law 111-11 officially established the NOAA ocean exploration program in March 2009. This law requires NOAA to consult with the other federal agencies involved in ocean exploration, as well as external stakeholders, to establish a "coordinated national ocean exploration program" that promotes data management and sharing, public understanding, and technology development and transfer. The law also requires NOAA to organize an "ocean exploration forum to encourage partnerships and promote collaboration among experts and other stakeholders to enhance the scientific and technical expertise and relevance of the national program."

While partnerships have always been a defining characteristic of NOAA ocean exploration program activities, Ocean Exploration 2020 is the first "ocean exploration forum" and it is the first time NOAA has convened its partners and other stakeholders in ocean exploration from the academic community, private sector, and not-for-profit organizations to focus on a national strategy for ocean exploration.

Exploration includes views from outer space and submersible robots

Baird 5 Stephen L. Baird is a technology education teacher at Bayside Middle School, Virginia Beach, Virginia and adjunct faculty member at Old Dominion University. The Technology Teacher 65.4 (Dec 2005/Jan 2006): 14-18. DEEP-SEA EXPLORATION: EARTH'S FINAL FRONTIER

<http://search.proquest.com/docview/235289482/CEF52E354E854776PQ/11?accountid=10422>

Until recently, the obstacles facing deep-sea exploration were almost insurmountable. Venturing into complete darkness, frigid water, and extremely high pressure made research nearly impossible. The technology of deep-sea exploration has advanced from twine and cannon ball soundings to ocean surveys from space and robotic exploration of the deep ocean floor. Recent advances in manned submersibles and remotely operated vehicles are now making the deep seas more accessible. Technology, fueled by scientific curiosity, has revealed the deep ocean as a dynamic geological environment. The discoveries of intricate ecosystems at mid-ocean volcanic vents and the unexpected diversity of marine life are revolutionizing biological science.

Exploration includes use of satellites

National Academies 9 National Academies – National Academy of Sciences, National Academy of Engineering, Institute of Medicine, and National Research Council 2009 Ocean Exploration Highlights of National Academies Reports

http://dels.nas.edu/resources/static-assets/osb/miscellaneous/exploration_final.pdf

Observations from satellites reveal new insights into the ocean.

Although ships have been crisscrossing the ocean for centuries, Earth observations from satellites provided the first truly global view of the ocean and its processes. Since the earliest satellites were launched more than 50 years ago, they have revolutionized ocean exploration. Satellites provided the first uniform view of seafloor topography, and, by the 1990s, global positioning system satellites had dramatically improved navigation for submersibles. Even through 4,000 meters of water, deep submergence vehicles can be precisely located within meters, enabling repeated visits to small, isolated sites.

Recent improvements in satellite communications on ships are fundamentally changing the nature of sea-going science. Many oceanographic ships now have Internet connections through a network known as HiSeasNet.

With this network, shipboard scientists can work in realtime with their land-based colleagues. In preparation for the OOI, in 2005, the University of Washington used a Galaxy XR10 satellite connected to the research vessel Thompson and the ROV Jason to send, for the first time, real-time high-definition video of an active hydrothermal vent field off Vancouver to viewers throughout the United States, Europe, and Asia.

NASA explores the ocean

NASA 10 NASA Science Earth April 5, 2010 "Ocean Exploration" <http://science.nasa.gov/earth-science/oceanography/ocean-exploration/>

As defined by the President's Panel on Ocean Exploration (NOAA, 2000), exploration is discovery through disciplined, diverse observations and the recording of findings. Exploration is an early component of the research process; it focuses on new areas of inquiry and develops descriptions of phenomena that inform the direction of further study.

NASA is the exploration agency of the Federal Government. NASA Earth observing satellites often open up new vistas for earth science research. All are meant to explore the envelope of what is known and understood about the physical, chemical and biological processes of the planet.

No suite of NASA Earth Science missions more exemplify the spirit of exploration than the Earth System Science Pathfinder (ESSP) missions. These missions generally try to measure a geophysical parameter that has been poorly sampled or unattainable from in situ platforms and bring to bear new cutting-edge technology to address the problem.

Two NASA ESSP missions address ocean exploration right now. First, the Gravity Recovery and Climate Experiment (GRACE) currently on orbit is exploring hitherto undetectable variations in the mass field of the ocean - important for climate and ocean circulation studies. Second, the Aquarius mission to be launched in 2008 will explore the salinity of the ocean from space.

Historically, salinity measurements have been difficult to make in situ and so our knowledge of the spatial and temporal variability of ocean salinity is quite poor. Using microwave remote-sensing technology Aquarius will "reveal" for the first time the detailed patterns of salinity at the surface of the ocean. Ocean surface salinity is known to be an important, but poorly understood factor within the climate system.

MANY MEANINGS

Exploration includes use of unoccupied vehicles

National Academies 9 National Academies – National Academy of Sciences, National Academy of Engineering, Institute of Medicine, and National Research Council 2009 Ocean Exploration Highlights of National Academies Reports
http://dels.nas.edu/resources/static-assets/osb/miscellaneous/exploration_final.pdf

Unoccupied vehicles greatly enhance ocean exploration capabilities.

Descending beneath the surface to explore the ocean's depths provides unique opportunities for observation, but new technologies have made it possible to virtually see and study much more of the ocean than would be possible with just HOVs. Scientists and engineers continue to develop and improve unoccupied vehicles that can be remotely operated from ship or shore to increase access and enhance capabilities of ocean researchers.

In the 1960s, towed instruments were first developed for underwater photography, acoustical mapping, and measurement of water temperature, magnetic field strength, and other properties. The first success was Deep Tow, developed in 1960 by Fred Spiess and his colleagues at Scripps for mapping the deep seafloor.

Janwood 14 Janwood Group 2014 "Engineering" <http://www.janwoodgroup.com/engineering/>
 Ocean Engineering

Ocean Exploration - Includes design of submersible vehicles

Ocean Structures - Offshore Drilling Platforms, Ocean Bottom Structures and Underwater Pipelines

Pollution Control - Coastline Environment

Wave Action Effects - Beaches, Docks and Harbor Facilities

Exploration is has many meanings

Lester and Robinson 2009 (Daniel F. Lester, Dept. of Astronomy @ UT Austin and Michael Robinson, Dept. of History @ Hillyer College, U of Hartford, "Visions of Exploration", Space Policy 25, p. 236-243 GAL)

The historical record offers a rich set of examples of what we call exploration: Christopher Columbus sailing to the New World. Roald Amundsen driving his dogs towards the South Pole, and Neil Armstrong stepping into the soft dust of the Moon. Yet these examples illustrate the difficulty in pinning down exploration as an activity. If we define exploration as travel through an unfamiliar area in order to learn about it we exclude Columbus, whose discovery was serendipitous rather than purposi'ful. We would also have to exclude Amundsen and Armstrong, and indeed many of the pantheon of explorers, who tended to dash across new terrain rather than investigate it systematically. Even more expansive terms such as "discovery" sometimes offer a poor fit for the object of modern expeditions: did Robert Peary discover the North Pole in 1909, an axis point that Greek astronomers knew about 2500 years ago? Not in any meaningful sense of the word. Students of exploration, then, must make peace with this uncomfortable fact: "exploration" is a multivalent term, one which has been (and undoubtedly will continue to be) used in different ways by different people. Geographical discovery, scientific investigation, resource extraction, and high-risk travel are activities tucked inside this definitional basket.

Exploration has multiple, legitimate meanings

Lester and Robinson 2009 (Daniel F. Lester, Dept. of Astronomy @ UT Austin and Michael Robinson, Dept. of History @ Hillyer College, U of Hartford, "Visions of Exploration", Space Policy 25, p. 236-243 GAL)

First, we should accept that "exploration" is a multivalent term, with many meanings, some of which are contradictory, and all of which have historical precedent. For too long we have looked at the history of exploration selectively, seeking to find the antecedents which justify our own vision of exploration: as science, as human adventure, as geopolitical statement. This is a definitional fight which cannot be won. Space policy must acknowledge the multiple visions for space exploration, developing a clear-eyed metric of value which avoids the vagaries of lofty "exploration-speak". If the merits of human exploration of the Moon and Mars are primarily symbolic and geopolitical, what are these goals worth in terms of federal funding? What are costs and benefits of missions developed to express "soft power" vs. science? Finally, which goals or combination of goals offers the best chance of long-term buy-in by the taxpayer? While historical precedent defines exploration in terms of human explorers who travel to new destinations, that definition is woefully obsolete with regard to discovery in an era in which teleoperation offers virtual presence for explorers who remain on the surface of the Earth. As has been pointed out by many authors, "robots" have come to be less personal assistants who follow us dutifully, and more expendable extensions of our senses. In this respect, science can be viewed as arguably the most important frontier for humankind, and whether it is done by humans in situ or by humans remotely is no longer a particularly relevant distinction.

Dictionary definitions of exploration are of little value

Lester and Robinson 2009 (Daniel F., Dept. of Astronomy @ UT Austin and Michael, Dept. of History @ Hillyer College, U of Hartford, "Visions of Exploration", *Space Policy* 25, p. 236-243 GAL)

Despite these ambiguities in meaning, it is still emphasized by many that the USA is a nation founded by explorers, and that, however troubling their legacy might be, those explorers have instilled in us a national "spirit of exploration". A discussion about the definition of "exploration" can, in principle, devolve into a comparison of dictionary definitions, and that is not very satisfying. Were we to do this, we would quickly find that the verb "explore" is defined (as per the Oxford English dictionary) as to: (1) travel through an unfamiliar area in order to learn about it; (2) inquire into or discuss in detail; and (3) examine by touch. Two of these would apply to human space flight. By these definitions, one might argue that exploration involves little more than walking into the woods a few hundred yards from home and planting tracks on a few square inches of ground that might never have been touched by human feet. This seems absurd, of course. Such definitions could even be rendered irrelevant by Chief Justice Potter Stewart's "I know it when I see it" test (which he famously used to define obscenity) [5]. Such a test, in which exploration is defined at gut-level, seems endemic to practical modern views of space exploration. Yet it is an absurdity which makes the point clear: definitions offer little help in understanding the constellation of meanings which surround modern exploration

Exploration is ambiguous- it means whatever its users want it to

Lester and Robinson 2009 (Daniel F. Lester, Dept. of Astronomy @ UT Austin and Michael Robinson, Dept. of History @ Hillyer College, U of Hartford, "Visions of Exploration", *Space Policy* 25, p. 236-243 GAL)

That Americans have broadly embraced exploration as a part of their national identity seems clear. Yet, as the above examples show, this embrace provides little insight into the meanings of exploration, the effect of such meanings on the planning of missions, or the value of such missions to the nation. Why does such an important term as "exploration" retain such ambiguity? One finds many answers, but perhaps comedian Gary Owen explains it best. Certain words, Owen states, are "freedom words", terms with meanings broad enough to label things that would be hard to categorize. Like Owen's made-up word "insegregious". exploration has come to mean whatever its users want it to mean.

LIMITS CARDS

Possible ocean exploration is limitless

National Aquarium 13 National Aquarium Water blog The Ocean, Our Planet's Final Frontier

Published June 8, 2013 <http://nationalaquarium.wordpress.com/2013/06/08/the-ocean-our-planets-final-frontier/>

This story illustrates a truth about how many of us think (or more accurately, don't think) about the ocean. Though half the world's population lives within 50 miles of a coast, the cliché "out of sight, out of mind" describes the way most of us relate to the expansive, interconnected ocean that covers 70 percent of Earth's surface and contains 97 percent of its water.

This blue planet is indeed a water planet, yet incredibly over 90 percent of the ocean remains unexplored and unseen by humans.

In a world that's increasingly tamed and cataloged, it's astounding to learn that until last year, only two human beings had been to the ocean's greatest depth: Challenger Deep, off the Mariana Islands. That epic descent occurred in 1960—before we'd even ventured into space! Just last year, one more explorer made the voyage: renowned filmmaker James Cameron piloted a new craft, Deepsea Challenger, there and back. I suspect we'll soon be treated to some spectacular footage of a world we understand less than we do the planet Mars.

Experts believe that up to two-thirds of the plant and animal species in the ocean may still await our discovery, with as many as one million species of non-bacterial sealife yet to be identified. In other words, we've only scratched the ocean's surface.

Ocean exploration is a vast possible field

NRC 3 Committee on Exploration of the Seas, National Research Council 2003 Exploration of the Seas: Voyage into the

Unknown <http://explore.noaa.gov/sites/OER/Documents/national-research-council-voyage.pdf>

Ocean exploration is a vast field and the variety of specific discovery plans seems endless. Biological, chemical, geological, physical, and archaeological investigations, and interdisciplinary combinations thereof, are within the purview of an ocean exploration program. Programs also might seek to discover new information about specific regions or ecosystems. Some areas, both geographic and topical, are particularly timely and could return exceptionally valuable discoveries.

Possibilities for ocean development and exploration are nearly limitless

Swaminathan 3 Dr K V Swaminathan, Waterfalls Institute of Technology Transfer (WITT) February 2003 Ocean Vistas

http://www.witts.org/Ocean_wealth/oceanwealth_01_feb03/wista_oceanwealth_feture.htm

The oceans cover nearly two-thirds of the world's surface area and have profoundly influenced the course of human development. Indeed the great markers in man's progress around the world are in a large measure the stages in his efforts to master the oceans.

Nations and people who are conscious of the almost limitless potential of the oceans. Those who have sought to comprehend its deep mysteries, processes and rhythms and have made efforts to explore and utilize its resources, stand in the van of progress, while those who have been indifferent to the critical role that oceans play in human life and its development, have remained mired in stagnation and backwardness.

INCREASE

MAKE GREATER

Increase means to make greater

Meriam Webster 13 <http://www.merriam-webster.com/dictionary/increase>

in·crease verb \in-ˈkrēs, ˈin-,\ in·creased in·creas·ing

Definition of INCREASE

intransitive verb

1: to become progressively greater (as in size, amount, number, or intensity)

2: to multiply by the production of young

transitive verb

1: to make greater : augment

2 obsolete : enrich

Increase means make greater in size, degree, frequency

Collins 3 Collins English Dictionary – Complete and Unabridged © HarperCollins Publishers 1991, 1994, 1998, 2000, 2003

<http://www.thefreedictionary.com/increase>

increase

vb [inˈkri:s]

to make or become greater in size, degree, frequency, etc.; grow or expand

n [ˈɪnkri:s]

1. the act of increasing; augmentation

2. the amount by which something increases

on the increase increasing, esp becoming more frequent

Increase means make greater in size, strength, quality

Random House 13 Dictionary.com Unabridged Based on the Random House Dictionary, © Random House, Inc. 2013.

<http://dictionary.reference.com/browse/increase>

in·crease [v. in-krees; n. in-krees] Show IPA verb, in·creased, in·creas·ing, noun

verb (used with object)

to make greater, as in number, size, strength, or quality; augment; add to: to increase taxes.

verb (used without object)

2. to become greater, as in number, size, strength, or quality: Sales of automobiles increased last year.

3. to multiply by propagation.

4. to wax, as the moon.

noun

5. growth or augmentation in numbers, size, strength, quality, etc.: the increase of crime.

6. the act or process of increasing.

7. that by which something is increased.

8. the result of increasing.

9. produce of the earth.

Increase means to become larger or greater in quantity

Encarta 6 – Encarta Online Dictionary. 2006. ("Increase"

<http://encarta.msn.com/encnet/features/dictionary/DictionaryResults.aspx?refid=1861620741>)

in·crease [in krɪss]

transitive and intransitive verb (*past and past participle* in·creased, *present participle* in·creas·ing, *3rd person present singular*

in·creas·es) **Definition: make or become larger or greater: to become, or make something become, larger in number, quantity,**

or degree

noun (*plural* in·creas·es)

NET RESULT

Increase refers to the net result

Words and Phrases 8 vol 20B pp. 264-65

Cal. App. 2 Dist. 1991 Term “increase” as used in statute giving the Energy Commission modification jurisdiction over any alteration, replacement, or improvement of equipment that results in “increase” of 50 megawatts or more in electric generating capacity of existing thermal power plant, refers to “net increase” in power plant’s total generating capacity; in deciding whether there has been the requisite 50-megawatt increase as a result of new units being incorporated into the plant, Energy Commission cannot ignore decreases in capacity cause by retirement or deactivation of other units at plant. West’s Ann. Cal. Pub. Res. Code § 25123 -- Department of Water & Power v. Energy Resources Conservation & Development Com., 3 Cal.Rptr.2d 289, 2 Cal.App.4th 206. Review denied – Electricity 8.4.

Increase is calculated by net action

Words and Phrases 8 vol 20B p 265

La.App.2 Cir. 1972 Within insurance company’s superintendent’s employment contract, “increase” meant net increase in premiums generated by agent calculated by subtracting “lapses” or premiums lost on policies previously issued from gross premiums added by new policies sold and “one time” meant payment made as salary or bonus to agent on dollar for dollar or “one for one” basis measured by net increase. Lanier v. Trans-World Life Ins. Co., 258 So.2d 103.—Insurance 1652(1)

Increase is calculated by comparison to immediately before action

Rogers 5 Judge Rogers, June 24, 2005, US Court of Appeals for the DC Circuit, State of New York, et al., Petitioners v. US Environmental Protection Agency, 367 U.S. App. D.C. 3; 413 F.3d 3, 2005 U.S. App. LEXIS 12378, **, 60 ERC (BNA) 1791, p. Lexis

[**48] Statutory Interpretation. HN16Go to the description of this Headnote. While the CAA defines a “modification” as any physical or operational change that “increases” emissions, it is silent on how to calculate such “increases” in emissions. 42 U.S.C. § 7411(a)(4). According to government petitioners, the lack of a statutory definition does not render the term “increases” ambiguous, but merely compels the court to give the term its “ordinary meaning.” See Engine Mfrs.Ass’nv.S.Coast AirQualityMgmt.Dist., 541 U.S. 246, 124 S. Ct. 1756, 1761, 158 L. Ed. 2d 529(2004); Bluewater Network, 370 F.3d at 13; Am. Fed’n of Gov’t Employees v. Glickman, 342 U.S. App. D.C. 7, 215 F.3d 7, 10 [*23] (D.C. Cir. 2000). Relying on two “real world” analogies, government petitioners contend that the ordinary meaning of “increases” requires the baseline to be calculated from a period immediately preceding the change. They maintain, for example, that in determining whether a high-pressure weather system “increases” the local temperature, the relevant baseline is the temperature immediately preceding the arrival of the weather system, not the temperature five or ten years ago. Similarly, [**49] in determining whether a new engine “increases” the value of a car, the relevant baseline is the value of the car immediately preceding the replacement of the engine, not the value of the car five or ten years ago when the engine was in perfect condition.

Increase includes no power to decrease

Words and Phrases 8 vol 20B p 264

U.S. Ct. Cl. 1919 Act March 4, 1909, § 2, 35 Stat. 1065, authorizing the Secretary of the Treasury to “increase” and “fix” compensation of inspectors of customs, as he may think advisable, not to exceed a certain amount, gives no power to decrease compensation: “fix” being controlled by “increase.” Cochnower v. United States, 39 S.Ct. 137, 248 U.S. 405, 63 L.Ed. 328, modified 39 S.Ct. 387, 249 U.S. 588, 63 L.Ed. 790 – Cust. Dut. 60.

DURATION

Increase includes extending duration

Word and Phrases 8 Vol. 20B, p. 265

Me. 1922. Within Workmen's Compensation Act, § 36, providing for review of any agreement, award, findings, or decree, and that member of Commission may increase, diminish, or discontinue compensation, an "increase" may include an extension of the time of the award. —Graney's Case, 118 A. 369, 121 Me.500.—Work Comp 2049.

Extended duration is as much an increase as more money

Word and Phrases 8 Vol. 20B, p. 265

Minn.App. 2004. A durational modification of child support is as much an "increase" as monetary modification, and the needs of subsequent children must be considered when determining the indefinite extension of the support obligation pursuant to statute providing that, when a party moves to "increase" child support, the circumstances change and the adjudicator is obligated to consider the needs of after-born children. M.S.A. § 518.551.—State ex rel. Jarvela v. Burke, 678 N.W.2d 68, review denied.—Child S 255, 350.

INCLUDES CREATION

Increase includes creation

Words and Phrases '8 vol 20B p 267

Wash. 1942. The granting of compensation to any officer after he has commenced to serve the term for which he has been chosen, when no compensation was provided by law before he assumed the duties of his office, is an "increase" in salary or compensation within the constitutional provision prohibiting an increase of the compensation of a public officer during his term of office. Const. art, 2, §25; art. 11, §8. --State ex rel. Jaspers v. West 125 P.2d 694, 13 Wash.2d 514.-- Offic 100(1).

Increase includes change from zero

Words and Phrases 8 Vol. 20B, p 265

Ga. 1978. Salary change of from zero to \$12,000 and \$1,200 annually for mayor and councilmen respectively was an "increase" in salary, and not merely the "fixing" of salary; thus, in absence of compliance with Home Rule Act provisions concerning increase in compensation of elected members of governing authority, mayor and councilmen were properly enjoined from receiving further compensation. Code, § 69-1019; Laws 1967, p. 3323 -- King v. Herron, 243 S.E.2d36, 241 Ga. 5. --Mun Corp 164.

Can Increase from zero

Words and Phrases '59 vol 20A

An assessment is "increased" within meaning of statute giving right to appeal in any case where county assessor or county board of equalization shall increase valuation of any property above the value returned by the taxpayer, when an assessment is "increased" from zero or no assessment, as well as when it is "increased from some valuation, normal or otherwise. 66 'Okl.St. Ann 25S. In re Moore, 77 P.2d 676, 678, 182 Okl 330.

Increase doesn't require pre-existence

Reinhardt 5 (U.S. Judge for the UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT (Stephen, JASON RAY REYNOLDS; MATTHEW RAUSCH, Plaintiffs-Appellants, v. HARTFORD FINANCIAL SERVICES GROUP, INC.; HARTFORD FIRE INSURANCE COMPANY, Defendants-Appellees., lexis)

Specifically, we must decide whether charging a higher price for initial insurance than the insured would otherwise have been charged because of information in a consumer credit report constitutes an "increase in any charge" within the meaning of FCRA. First, we examine the definitions of "increase" and "charge." Hartford Fire contends that, limited to their ordinary definitions, these words apply only when a consumer has previously been charged for insurance and that charge has thereafter been increased by the insurer. The phrase, "has previously been charged," as used by Hartford, refers not only to a rate that the consumer has previously paid for insurance but also to a rate that the consumer has previously been quoted, even if that rate was increased [**23] before the consumer made any payment. Reynolds disagrees, asserting that, under [*1091] the ordinary definition of the term, an increase in a charge also occurs whenever an insurer charges a higher rate than it would otherwise have charged because of any factor--such as adverse credit information, age, or driving record 8 --regardless of whether the customer was previously charged some other rate. According to Reynolds, he was charged an increased rate because of his credit rating when he was compelled to pay a rate higher than the premium rate because he failed to obtain a high insurance score. Thus, he argues, the definitions of "increase" and "charge" encompass the insurance companies' practice. Reynolds is correct.

"Increase" means to make something greater. See, e.g., OXFORD ENGLISH DICTIONARY (2d ed. 1989) ("The action, process, or fact of becoming or making greater; augmentation, growth, enlargement, extension."); WEBSTER'S NEW WORLD DICTIONARY OF AMERICAN ENGLISH (3d college ed. 1988) (defining "increase" as "growth, enlargement, etc[.]"). "Charge" means the price demanded for goods or services. See, e.g., OXFORD ENGLISH DICTIONARY (2d ed. 1989) ("The price required or demanded for service rendered, or (less usually) for goods supplied."); WEBSTER'S NEW WORLD DICTIONARY OF AMERICAN ENGLISH (3d college ed. 1988) ("The cost or price of an article, service, etc."). Nothing in the definition of these words implies that the term "increase in any charge for" should be limited to cases in which a company raises the rate that an individual has previously been charged.

NOT CREATION

Increase does not include create

Words and Phrases '59 vol 20A p 381

"Increased." as used in West's Ann.Cal. Const. art 12, §11, providing that the stock and bonded indebtedness of corporations shall not be increased without the consent of the person holding the larger amount of the stock, does not include or apply to the first creation of bonded indebtedness. To give it such a meaning would be to inject into the provision the word "create." Union Loan & Trust Co. v. Southern California Motor Road Co., 51 F 840,850

Increase requires making an existing program greater, not creating something new

Buckley 6 (Jeremiah, Attorney, Amicus Curiae Brief, Safeco Ins. Co. of America et al v. Charles Burr et al,

http://supreme.lp.findlaw.com/supreme_court/briefs/06-84/06-84.mer.ami.mica.pdf)

First, the court said that the ordinary meaning of the word "increase" is "to make something greater," which it believed should not "be limited to cases in which a company raises the rate that an individual has previously been charged." 435 F.3d at 1091. Yet the definition offered by the Ninth Circuit compels the opposite conclusion. Because "increase" means "to make something greater" there must necessarily have been an existing premium, to which Edo's actual premium may be compared, to determine whether an "increase" occurred. Congress could have provided that "ad-verse action" in the insurance context means charging an amount greater than the optimal premium, but instead chose to define adverse action in terms of an "increase." That def-initional choice must be respected, not ignored. See Colautti v. Franklin, 439 U.S. 379, 392-93 n.10 (1979) ("[a] defin-ition which declares what a term 'means' . . . excludes any meaning that is not stated"). Next, the Ninth Circuit reasoned that because the Insurance Prong includes the words "existing or applied for," Congress intended that an "increase in any charge" for insurance must "apply to all insurance transactions – from an initial policy of insurance to a renewal of a long-held policy." 435 F.3d at 1091. This interpretation reads the words "exist-ing or applied for" in isolation. Other types of adverse action described in the Insurance Prong apply only to situations where a consumer had an existing policy of insurance, such as a "cancellation," "reduction," or "change" in insurance. Each of these forms of adverse action presupposes an already-existing policy, and under usual canons of statutory construction the term "increase" also should be construed to apply to increases of an already-existing policy. See Hibbs v. Winn, 542 U.S. 88, 101 (2004) ("a phrase gathers meaning from the words around it") (citation omitted).

Increase requires pre-existence

Brown 3 (US Federal Judge – District Court of Oregon (Elena Mark and Paul Gustafson, Plaintiffs, v. Valley Insurance Company and Valley Property and Casualty, Defendants, 7-17, Lexis)

FCRA does not define the term "increase." The plain and ordinary meaning of the verb "to increase" is to make something greater or larger. 4 Merriam-Webster's [**22] Collegiate Dictionary 589 (10th ed. 1998). The "something" that is increased in the statute is the "charge for any insurance." The plain and common meaning of the noun "charge" is "the price demanded for something." Id. at 192. Thus, the statute plainly means an insurer takes adverse action if the insurer makes greater (i.e., larger) the price demanded for insurance.

An insurer cannot "make greater" something that did not exist previously. The statutory definition of adverse action, therefore, clearly anticipates an insurer must have made an initial charge or demand for payment before the insurer can increase that charge. In other words, an insurer cannot increase the charge for insurance unless the insurer previously set and demanded payment of the premium for that insured's insurance [**23] coverage at a lower price.

NOT EFFECTS

Increase must be the the action of the plan, not just its result – the increase cannot be by effects

HEFC 4 (Higher Education Funding Council for England, “Joint Committee on the Draft Charities Bill Written Evidence”, June, <http://www.publications.parliament.uk/pa/jt200304/jtselect/jtchar/167/167we98.htm>)

9.1 The Draft Bill creates an obligation on the principal regulator to do all that it "reasonably can to meet the compliance objective in relation to the charity".[45] The Draft Bill defines the compliance objective as "to increase compliance by the charity trustees with their legal obligations in exercising control and management of the administration of the charity".[46] 9.2 Although the word "increase" is used in relation to the functions of a number of statutory bodies,[47] such examples demonstrate that "increase" is used in relation to considerations to be taken into account in the exercise of a function, rather than an objective in itself. 9.3 HEFCE is concerned that an obligation on principal regulators to "increase" compliance per se is unworkable, in so far as it does not adequately define the limits or nature of the statutory duty. Indeed, the obligation could be considered to be ever-increasing.

LIMITS CARDS

Everything affects the ocean

Timmons 12 Bob Timmons, Artist - Author – Speaker, the Artist for the Ocean October 21, 2012 Ocean Guardians
<http://oceanguardians.com.au/artist-for-the-ocean-bob-timmons/>

Everything is connected and everything affects the ocean in the end since its majority of the planet's surface and subsurface.

Economic and social factors affect the ocean

Joint Ocean Commission initiative 11 Joint Ocean Commission Initiative June 2011 America's Ocean Future
http://www.jointoceancommission.org/resource-center/1-Reports/2011-06-07_JOCI_Americas_Ocean_Future.pdf

The National Ocean Policy recognizes that ocean ecosystem health is interconnected with the productivity of ocean-related sectors of the economy and society. While establishment of the National Ocean Policy is a major step forward, the coordination structures and tools needed to effectively implement the policy are still in their infancy. Success will require strong commitment and support from America's leaders at all levels. It will also require adequate funding and should be prioritized, even in this time of economic challenges and fiscal austerity. An important potential mechanism for providing dedicated long-term funding for by revenues from private commercial activities occurring in federal waters. Funding for implementation of the National Ocean Policy should also come through adequate Congressional appropriations and prioritization within existing agency budgets.

Everything on land affects the ocean

Dayton 9 LILY DAYTON Herald Correspondent Monterey County Herald (California) April 21, 2009
 TESTING THE WATERS: Sanctuary officials invite community to help monitor water

In association with Earth Day 2009, Monterey Bay Citizen Watershed Monitoring Network and the Coastal Watershed Council will coordinate the 10th annual Snapshot Day on Saturday, May 2. By enlisting the help of hundreds of community volunteers, this event will provide a one-day "snapshot" of the health of watersheds that.

This spawned the Citizen Watershed Monitoring Network, and Snapshot Day began. "The idea was to get the local community involved in the watershed," said Hoover. "We took the opportunity to make the connection between land and sea and to show how everything we do on land really affects the ocean."

[Hoover = Bridget Hoover, director of the Water Quality Protection Program].

Incentives are unlimiting

Moran, 86 (Theodore, Investing in Development: New Roles for Private Capital?, p. 28)

Guisinger finds that if "incentives" are broadly defined to include tariffs and trade controls along with tax holidays, subsidized loans, cash grants, and other fiscal measures, they comprise more than forty separate kinds of measures. Moreover, the author emphasizes, the value of an incentive package is just one of several means that governments use to lure foreign investors. Other methods—for example, promotional activities (advertising, representative offices) and subsidized government services—also influence investors' location decisions. The author points out that empirical research so far has been unable to distinguish the relative importance of fundamental economic factors and of government policies in decisions concerning the location of foreign investment—let alone to determine the effectiveness of individual government instruments.

ITS

POSSESSION

Its means belonging to

Oxford English Dictionary, 2013 <http://www.oed.com/view/Entry/100354?redirectedFrom=its#eid>

its, adj. and pron. Pronunciation: /its/

A. adj. As genitive of the pronoun, now possessive adjective.

Of or belonging to it, or that thing (Latin ejus); also refl., Of or belonging to itself, its own (Latin suus). The reflexive is often more fully its own, for which in earlier times the own, it own, were used: see own adj. and pron.

B. pron. As possessive pronoun.

[Compare his pron.2] The absolute form of prec., used when no n. follows: Its one, its ones. rare.

Its means possession

Encarta, 9 (Encarta World English Dictionary,

<http://encarta.msn.com/encnet/features/dictionary/DictionaryResults.aspx?refid=1861622735>)

its, [its]

adjective Definition: indicating possession: used to indicate that something belongs or relates to something

- The park changed its policy.

Its is the possessive form of it

American Heritage 9 The American Heritage® Dictionary of the English Language, Fourth Edition copyright ©2000 by Houghton Mifflin Company. Updated in 2009. Published by Houghton Mifflin <http://www.thefreedictionary.com/its>

its, (ts)

adj. The possessive form of it.

Used as a modifier before a noun: The airline canceled its early flight to New York.

[Alteration of it's : it + -'s.]

Usage Note: Its is the possessive form of the pronoun it and is correctly written without an apostrophe. It should not be confused with the contraction it's (for it is or it has), which should always have an apostrophe.

Its is possessive

Words and Phrases '6 vol 22B p 524

C.C.A.5 (Tex.) 1935. Where corporation transferred all its assets, including large profits, to newly organized corporation in exchange for capital stock, and transfer was treated as reorganization under which no gain or loss was to be recognized, profits in hands of newly organized corporation held taxable as "its earnings or profits," within revenue act providing that term "dividend" means any distribution made by corporation to its shareholders whether in money or other property out of "its earnings or profits" accumulated after February 28, 1913; word "its" being possessive pronoun indicating that earnings and profits belong to corporation. Revenue Act 1926, § 201(a), 26 U.S.C.A. (I.R.C.1939) § 115.—Murchison's Estate v. C.I.R., 76 F.2d 641.—Int Rev 3747.

Possessive pronouns show ownership

Using English 13 , <http://www.usingenglish.com/glossary/possessive-pronoun.html>)

Mine, yours, his, hers, its, ours, theirs are the possessive pronouns used to substitute a noun and to show possession or ownership.

EG. This is your disk and that's mine. (Mine substitutes the word disk and shows that it belongs to me.)

Possessive pronouns are terms of exclusion

Frey 28 (Judge – Supreme Court of Missouri, Supreme Court of Missouri, 320 Mo. 1058; 10 S.W.2d 47; 1928 Mo. LEXIS 834, Lexis)

In support of this contention appellant again argues that when any ambiguity exists in a will it is the duty of the court to construe the will under guidance of the presumption that the testatrix intended her property to go to her next of kin, unless there is a strong intention to the contrary. Again we say, there is intrinsic proof of a [*1074] strong intention to the contrary. In the first place, testatrix only named two of her blood relatives in the will and had she desired [***37] them to take the residuary estate she doubtless would have mentioned them by name in the residuary clause. In the second place, if she used the word "heirs" in the

sense of blood relatives she certainly would have dispelled all ambiguity by stating whose blood relatives were intended. Not only had [*53] she taken pains in the will to identify her own two blood relatives but she had also identified certain blood relatives of her deceased husband. Had it been her intention to vest the residuary estate in her blood relatives solely, she would certainly have used the possessive pronoun "my" instead of the indefinite article "the" in the clause, "the above heirs."its is geographical

Grammatically, this refers to the U.S. – that's the antecedent

Manderino 73 (Justice – Supreme Court of Pennsylvania, “Sigal, Appellant, v. Manufacturers Light and Heat Co”., No. 26, Jan. T., 1972, Supreme Court of Pennsylvania, 450 Pa. 228; 299 A.2d 646; 1973 Pa. LEXIS 600; 44 Oil & Gas Rep. 214, Lexis)

On its face, the written instrument granting easement rights in this case is ambiguous. The same sentence which refers to the right to lay a 14 inch pipeline (singular) has a later reference to "said lines" (plural). The use of the plural "lines" makes no sense because the only previous reference has been to a "line" (singular). The writing is additionally ambiguous because other key words which are "also may change the size of its pipes" are dangling in that the possessive pronoun "its" before the word "pipes" does not have any subject preceding, to which the possessive pronoun refers. The dangling phrase is the beginning of a sentence, the first word of which does not begin with a capital letter as is customary in normal English [***10] usage. Immediately preceding the "sentence" which does not begin with a capital letter, there appears a dangling [*236] semicolon which makes no sense at the beginning of a sentence and can hardly relate to the preceding sentence which is already properly punctuated by a closing period. The above deviations from accepted grammatical usage make difficult, if not impossible, a clear understanding of the words used or the intention of the parties. This is particularly true concerning the meaning of a disputed phrase in the instrument which states that the grantee is to pay damages from ". . . the relaying, maintaining and operating said pipeline. . . ." The instrument is ambiguous as to what the words ". . . relaying . . . said pipeline . . ." were intended to mean.

RELATED TO

Its means associated with

Collins 3 Collins English Dictionary – Complete and Unabridged © HarperCollins Publishers 1991, 1994, 1998, 2000, 2003

<http://www.thefreedictionary.com/its>

its [its]

determiner

- a. of, belonging to, or associated in some way with it *its left rear wheel*
- b. (as pronoun) each town claims its is the best

Its means relating to

Meriam Webster 13 <http://www.merriam-webster.com/dictionary/its>

Definition of ITS

: of or relating to it or itself especially as possessor, agent, or object of an action <going to its kennel> <a child proud of its first drawings> <its final enactment into law>

Examples of ITS

the dog in its kennel

The landscape is beautiful in its own unique way.

Each region has its own customs.

The company is hoping to increase its sales.

Its can mean belonging or relating to

Macmillan 13 Macmillan Dictionary 2013 <http://www.macmillandictionary.com/us/dictionary/american/its>

Its

1 belonging or relating to a thing, idea, place, animal, etc. when it has already been mentioned or when it is obvious which one you are referring to

The chair lay on its side.

We were eager to see Las Vegas and all its many attractions.

The bull had a ring through its nose.

Its can refer to geography

Words and Phrases ‘6 vol 22B p 524

Nev. 1963. In constitutional provision authorizing Legislature to exceed debt limitation if necessary, expedient or advisable for protection and preservation of any of its property or natural resources, the term "its" has geographical rather than proprietary connotation. Const, art. 9, § 3.—Marlette Lake Co. v, Sawyer, 383 P.2d 369, 79 Nev. 334.— States 115.

COOPERATION REDUCES POSSESSION

Cooperation requires sharing ownership of the program

Carrillo 13 Susana Carrillo & Napoleão Dequech Neto, Institute for the Integration of Latin America and the Caribbean
Boosting Vocational Training and Skills Development January 2013

<http://idbdocs.iadb.org/wsdocs/getdocument.aspx?docnum=37888185>

The Triangular Cooperation agreement among Brazil, Germany, and Peru to support vocational training and skills development shows that Triangular Cooperation succeeds when the institutions involved share ownership and the same strategic interests, and perceive mutual benefits as a result of the partnership. The positive institutional relationship among SENAI, SENATI, and GIZ has provided a strong base for the implementation of the Triangular Cooperation agreement and establishment of the CTA. The three parties worked in close collaboration to establish the Center with the goal of building a trained skill base to serve the needs of industries on issues related to environmental protection and clean production. SENATI will assume full responsibility for the management of the Center at the end of the triangular project, at which point the parties involved will be able to evaluate results and impact. This initiative is clearly grounded in a solid partnership in strategic areas of interest for all partners and with benefits for the industrial sector. For these reasons, the CTA could become a center of excellence in its field and a knowledge hub in the region.

Multilateralism reduces national control

Weiss 5 Joseph Weiss Universidade de Brasilia 2005 Contradictions of International Cooperation in the Amazon: Why is the nation-state left out? http://www.ispn.org.br/arquivos/bb_.pdf

Sajar and VanDeveer (2005) make clear that while environmental capacity-building attracted multilateral organization attention again in the late 1990s, it was defined, when applied, to transfer ineffective North models to the South to make success more likely for programs defined by the North. By allowing for NGO participation, national governments are often left with reduced control or power.

International collaboration reduces national control

British 14 British Government Feb 2014 Review of the Balance of Competences between the United Kingdom and the European Union Research and Development

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/279331/bis_14_592_balance_of_competences_review_government_reponse_to_the_call_for_evidence.pdf

In these fields of activity, international collaboration is vital to deliver projects of the scale of the Galileo satellite navigation programme and to deliver world class research. The EU provides many platforms and frameworks for joint working and knowledge exchange. Whether it is the most effective and efficient means of achieving it and whether the negatives of reduced control over priorities, constraints of other regulations and sheer bureaucracy outweigh the benefits is the subject of this report.

CONTRACTORS

Contractors performing government functions are considered government agents

Block 4 AINS Inc. v. United States 2004, United States Court of Appeals for the Federal Circuit 03-5134 AINS, INC. Plaintiff-Appellant, v. UNITED STATES, Defendant-Appellee DECIDED: April 23, 2004 Judge Lawrence J. Block <<http://www.ll.georgetown.edu/federal/judicial/fed/opinions/03opinions/03-5134.html>>//DoeS

The first historically recorded NAFI in the United States was a self-supporting post fund that Army officers administered to aid indigent widows and children of deceased Civil War soldiers. Congress expanded upon this idea to develop a system of “post exchanges” (PXs), which the Army regulates and operates as profit making ventures. After World War II, Congress expanded the idea of self-supporting agencies even further, and NAFIs began to appear throughout the civilian sector. The NAFI doctrine, as it relates to the Court of Federal Claims and to jurisdiction under the Tucker Act, began to develop following *Standard Oil Company of California v. Johnson*, 316 U.S. 481, 484-85 (1942). In *Standard Oil*, the Supreme Court ruled that PXs qualified for a federal government exemption from a California motor vehicle fuel tax. Id. According to the Court, “post exchanges as now operated are arms of the Government deemed by it essential for the performance of governmental functions.” though the “government assumes none of the financial obligations of the exchange.” Id. at 485. In other words, *Standard Oil* recognized the existence of “government agencies” for which the government had not accepted financial responsibility. *Standard Oil* did not address the questions of liability and/or of sovereign immunity as applied to such “agencies.” Shortly thereafter, however, the Court of Claims opined that its jurisdiction under the Tucker Act was limited to claims against the general fund, or more specifically, to claims against government instrumentalities whose judgments could be paid from appropriated funds. The Court of Claims reasoned that when the government assumed no liability for a federal entity, the government could not be said to have consented to suit against that entity—and that the Tucker Act consequently provided the Claims Court with no jurisdiction to hear complaints against these entities. NAFIs therefore retain their sovereign immunity from suit for breaches of contract that Congress waived with respect to government agencies funded by appropriations from the general fund. See, e.g., *Borden v. United States*, 116 F. Supp. 873 (Ct. Cl. 1953); *Pulaski Cab Co. v. United States*, 157 F. Supp. 955 (Ct. Cl. 1958); *Kyer v. United States*, 369 F.2d 714 (Ct. Cl. 1966). It appears that *Standard Oil* did not compel this result. The early cases articulating the doctrine that NAFIs retained sovereign immunity met with spirited insistence that the doctrine emerged from an erroneous interpretation of *Standard Oil*. See, e.g., *Borden*, 116 F. Supp. at 910-14 (Whitaker, J., dissenting); *Pulaski Cab Co.*, 157 F. Supp. at 958 (Whitaker, J., concurring). In the Court of Claims’ first significant NAFI doctrine case, *Borden* was an accountant employed by an Army PX under contract with the PX. *Borden*, 116 F. Supp. at 873. Someone stole payroll funds from *Borden*’s office, and some of these funds were never recovered. The PX withheld an amount equal to its loss from *Borden*’s salary, alleging that his negligence had caused the loss. *Borden* sued the United States to recover his withheld salary. The court recognized that this case presented an anomaly because *Borden* seemed to have no avenue along which to seek redress of his claims. Id. at 907. He could not sue the PX, with whom he had a contract, because it was an arm of the government. And “in the light of [*Standard Oil*]. . . [the court] reluctantly reach[ed] the conclusion that plaintiff c[ould] not sue the United States on a contract of employment which is signed by the Army Exchange Service, European Theater.” Id. at 907-09. In dissent, Judge Whitaker complained that [t]he majority recognize that [*Borden*] should have a right of action, but they feel compelled to hold that he has not by the decision of the Supreme Court in *Standard Oil*. . . . I do not feel so compelled. . . . Army regulations say exchange contracts are not government contracts, and, yet, the Supreme Court says that exchanges are “arms of the government.” . . . By what authority does the Army say that their contracts are not government contracts? . . . The Army cannot set aside an Act of Congress

Private contractors are agents of the US government

AUSNESS ‘86 – Professor of Law, University of Kentucky (RICHARD, Fall, “Surrogate Immunity: The Government Contract Defense and Products Liability.”, 47 Ohio St. L.J. 985, Lexis Law, dheidt)

The United States Supreme Court affirmed the circuit court's ruling. The Court reasoned that the immunity that protected officers and agents of the federal government acting within the scope of their authority should be extended to private contractors who also acted on the government's behalf. n71 According to the Court: “. . . [I]t is clear that if this authority to carry out the project was validly conferred, that is, if what was done was within the constitutional power of Congress, there is no liability on the part of the contractor for executing its will.” n72 The court also observed that the landowner could have sought compensation from the government for his injury in the court of claims. n73 Apparently, it thought that the plaintiff had attempted to circumvent the accepted statutory procedure by suing the contractor instead of the government. n74

Private contractors are distinct from the federal government

Barbier 7 (Carl, US District Judge, TIEN VAN COA, ET AL VERSUS GREGORY WILSON, ET AL CIVIL ACTION NO: 07-7464 SECTION: J(1) UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF LOUISIANA 2007 U.S. Dist. LEXIS 87653)

however, in their motion to remand, Plaintiffs argue that as an independent contractor, P&J is not an employee of the federal government, and consequently does not enjoy derivative immunity and cannot invoke the FTCA. Plaintiffs cite United States v. New Mexico in support of the notion that private contractors, whether prime or subcontractors, are not government employees nor are they agents of the federal government, 455 U.S. 720, 102 S. Ct. 1373, 71 L. Ed. 2d 580 (1982). According to the Court, "[t]he congruence of professional interests between the contractors and the Federal Government is not complete" because "the contractors remained distinct entities pursuing private ends, and their actions remained [*4] commercial activities carried on for profit." Id. at 740; see also Powell v. U.S. Cartridge Co., 339 U.S. 497, 70 S. Ct. 755, 94 L. Ed. 1017 (1950).

Private contractors can operate the federal program – the program would still belong to the USFG

Recommendation: A nonfederal contractor should be used to operate the proposed U.S. ocean exploration program. The original contract should be awarded following a competitive bidding process. The program should be reviewed periodically and should seek to leverage federal resources for additional private contributions.

NON-MILITARY

NOT WITH THE MILITARY

Non-military is not belonging to the armed forces

Oxford 14 Oxford Dictionaries 2014 http://www.oxforddictionaries.com/us/definition/american_english/nonmilitary

Nonmilitary Syllabification: non·mil·i·tar·y Pronunciation: /,nān'milə,terē
adjective

Not belonging to, characteristic of, or involving the armed forces; civilian: the widespread destruction of nonmilitary targets

Non-military is not associated with soldiers or the military

Mnemonic 13 Mnemonic Dictionary 2013 <http://mnemonicdictionary.com/word/nonmilitary>

Nonmilitary nonmilitary - Dictionary definition and meaning for word nonmilitary
Definition (adj) not associated with soldiers or the military

WordNet 12 Based on WordNet 3.0, Farlex clipart collection. © 2003-2012 Princeton University, Farlex Inc.

<http://www.thefreedictionary.com/nonmilitary>

Adj. 1. nonmilitary - not associated with soldiers or the military: "unmilitary circles of government"; "fatigue duty involves nonmilitary labor" unmilitary

Military is pertaining to the armed forces or war

Random House 14 Dictionary.com Unabridged Based on the Random House Dictionary, © Random House, Inc. 2014. Cite This Source <http://dictionary.reference.com/browse/non-military>

mil-i-tar-y [mil-i-ter-ee] Show IPA adjective

1. of, for, or pertaining to the army or armed forces, often as distinguished from the navy: from civilian to military life.
2. of, for, or pertaining to war: military preparedness.
3. of or pertaining to soldiers.
4. befitting, characteristic of, or noting a soldier: a military bearing.
5. following the life of a soldier: a military career.

Collins 9 Collins English Dictionary - Complete & Unabridged 10th Edition 2009 © William Collins Sons & Co. Ltd. 1979, 1986 © HarperCollins Publishers 1998, 2000, 2003, 2005, 2006, 2007, 2009 Cite This Source

<http://dictionary.reference.com/browse/military>

military ('militəri, -tri)

— adj

1. of or relating to the armed forces (esp the army), warlike matters, etc
 2. of, characteristic of, or about soldiers
- n , -taries , -tary
3. the military the armed services (esp the army)

Civilian is not on active duty

Random House 14 Dictionary.com Unabridged Based on the Random House Dictionary, © Random House, Inc. 2014. Cite This Source <http://dictionary.reference.com/browse/civilian>

ci-vil-ian [si-vil-yuhn] Show IPA

noun

1. a person who is not on active duty with a military, naval, police, or fire fighting organization.
 2. Informal. anyone regarded by members of a profession, interest group, society, etc., as not belonging; nonprofessional; outsider: We need a producer to run the movie studio, not some civilian from the business world.
 3. a person versed in or studying Roman or civil law.
- adjective
4. of, pertaining to, formed by, or administered by civilians.

Collins 9 Collins English Dictionary - Complete & Unabridged 10th Edition 2009 © William Collins Sons & Co. Ltd. 1979, 1986
© HarperCollins Publishers 1998, 2000, 2003, 2005, 2006, 2007, 2009

Cite This Source <http://dictionary.reference.com/browse/civilian>

civilian (sɪˈvɪljən) — n

- a. a person whose primary occupation is civil or nonmilitary
- b. (as modifier): civilian life

NON-MILITARY CAN HAVE SECURITY IMPLICATIONS

Non-military can still has security implications – Asia example proves

Cosa 4 Ralph A. Cossa Non-Military Challenges in Pacific Asia: Implications for the U.S. and Europe (Prepared for the 7th Waldbrol Group Meeting on the European and Euro- Atlantic Coordination on Security Policies vis-a-vis the Asia-Pacific, Berlin, Stiftung Wissenschaft und Politik, 12- 13 Dec 2004)
 Presentation outline [draft: 12/6/04] http://www.swp-berlin.org/fileadmin/contents/products/projekt_papiere/Cossa__Nontraditional_Security_ks.pdf
 to me the greatest “non- military” security challenge confronting the U.S. and Europe is managing the political and economic rise of Asia in general and China in particular.
 - China too smart to challenge U.S. militarily (Sun Tzu); political, economic, and psychological battle for influence is real challenge.

Cosa 4 Ralph A. Cossa Non-Military Challenges in Pacific Asia: Implications for the U.S. and Europe (Prepared for the 7th Waldbrol Group Meeting on the European and Euro- Atlantic Coordination on Security Policies vis-a-vis the Asia-Pacific, Berlin, Stiftung Wissenschaft und Politik, 12- 13 Dec 2004)
 Presentation outline [draft: 12/6/04] http://www.swp-berlin.org/fileadmin/contents/products/projekt_papiere/Cossa__Nontraditional_Security_ks.pdf
 ** significant opportunities exist in Asia for U.S./Europe cooperation and coordination in dealing with non-military or non-traditional security challenges, despite obvious economic and political competition and tendency of some in the region to try to play Europe and U.S. against one another.

Non-military actions can improve security – terrorism example proves

Campbell and Weitz 6 , Kurt M. Campbell, Senior Vice President, Henry A. Kissinger Chair in National Security, and Director of the International Security Program at the Center for Strategic and International Studies; and Richard Weitz, Senior Fellow and Associate Director of Hudson Institute’s Center for Future Security Strategies. Non-Military Strategies For Countering Islamist Terrorism Sept 13 , 2006 <https://www.princeton.edu/~ppns/papers/counterinsurgency.pdf>
 Over the past five years, the United States has struggled to develop effective approaches against terrorist threats. The National Strategy for Combating Terrorism – the main doctrine defining U.S. policy regarding the Global War on Terrorism (GWOT) – affirms the need for both military and non-military strategies in order to deal with a multifaceted and evolving threat. 1 The U.S. Department of Defense (DOD) also acknowledges that “battlefield success is only one element of our long-term, multi-faceted campaign against terrorism. The activities employed to date range from training and humanitarian efforts to major combat operations. Non-military components of this campaign include diplomacy, strategic communications, law enforcement operations, and economic sanctions.” 2 Yet these efforts have been clearly secondary to the application of American military power to the problem.

DUAL USE

There are 3 categories

Australian 99 The Australian June 4, 1999 Telco export controls relaxed lexis

The list specifies items that companies need permits to export and includes military, non-military and dual-use goods such as computer and communications equipment.

Under the changes, controls over some telco products have been eliminated and assessments of other products will be streamlined.

Dual use items can have military application

Euroipean Commission 14 European Commission 29 Apr 2014 Dual-use controls <http://ec.europa.eu/trade/import-and-export-rules/export-from-eu/dual-use-controls/>

Dual-use items are goods, software and technology normally used for civilian purposes but which may have military applications, or may contribute to the proliferation of Weapons of Mass Destruction (WMD)

Dual use is distinguished from military

State Department 14 US Department of State 2014 Common Dual-Use and Military Control Lists of the EU <http://www.state.gov/strategictrade/resources/controllist/>

Establishing and implementing effective strategic trade controls are imperative to stopping the proliferation of weapons of mass destruction and conventional weapons. One component of effective strategic trade controls is the adoption of control lists which meet international standards. Control lists outline which goods should be controlled due to proliferation concerns. Typically, control lists fall into two categories, dual-use and military.

Goods and technologies are classified as military goods if they are designed specifically for military use, such as small arms, armed vehicles and protective equipment. Goods and technologies are considered to be dual-use when they can be used for both civil and military purposes, such as special materials, sensors and lasers, and high-end electronics.

Dual use is distinguished from non-military

Rothchild 13 Jonathan Rothchild, mayor of Tucson AZ, 2013 Exporting Non-Military and Dual-Use Products <http://www.mayorrothschild.com/event/exporting-non-military-and-dual-use-products/>

Exporting Non-Military and Dual-Use Products

This program will focus on the Export Administration Act, administered by the U.S. Department of Commerce, Bureau of Industry and Security. The export controls cover “dual-use” articles and technologies that may require licensing for export to various countries.

Export licensing distinguishes dual use from non-military

Corr 10 Christopher Corr and Jason Hungerford, attorneys China Business Review Jan – Feb 2010

The Struggles of Shipping Dual use Goods to China <http://www.whitecase.com/files/Publication/1eabd1b7-6f52-4df3-8a53-517cc7398f27/Presentation/PublicationAttachment/f9db8ea1-064d-4f06-9d91-542ea31d8d01/article-China-Business-Review-Corr-Hungerford.pdf>

BIS requires goods and technology that may be used for commercial and military purposes—referred to as dual-use items—to be licensed before they are exported to china. (the us Department of state controls goods used primarily for military purposes, including most satellite and aero - space technology and parts.) Because of concerns about prc military involvement with private-sector technology firms in china, BIS heavily scrutinizes licensing applications for dual-use exports to china. This causes uncertainty, delays, and opportunity costs for us producers.

In June 2007, BIS implemented the VEU authorization program to ease the regulatory burden on us exporters and third-country re-exporters that ship approved technology to pre-authorized c hinese end users. t he pro - gram requires the c hinese end user to apply to BIS for approval by the end user review committee, an inter - agency panel consisting of representatives from the us departments of commerce, Defense, energy, state, and other us agencies. The committee reviews the end user’s records to ensure that it engages in only commercial, non- military-related activity and complies with us export controls. It also reviews the end user’s relationships with us and other companies. If the committee approves the application, exporters may ship certain items designated by BI s to the end user without a license. the approval does not expire or require renewal. In return for VEU status, however, the end user must allow BIS to conduct onsite audits and inspect records of all transactions that use this authorization. -

Non-military requires exclusion of dual use --- most military applications are from civilian efforts

Adams, 6 Lieutenant Colonel Thomas K. Adams, US Army, Retired, is involved in military futures work for the US Army Special Operations Command, Fort Bragg, North Carolina. He received a Ph.D. from Syracuse University, and is a graduate of the National Strategy Course and the US Army Command and General Staff College. 2006 10 GPS Vulnerabilities

<http://www.c4i.org/gps-adams.html>

A Double-Edged Sword

Like most recent force-modernization efforts, most of Army After Next (AAN) and Army XXI technologies will come from commercial-sector research rather than Department of Defense (DOD)-sponsored research and development. Major General Robert Scales, a key architect of the AAN program, says about 40 percent of the dollars spent 25 years ago on telecommunications research and development came from DOD. In Fiscal Year 2000, DOD provided about 2 percent of the funds spent on developing information-age technologies.⁵ During a National Defense Industrial Association conference on the future force, Scales remarked, "Like it or not, the advantage we are going to gain in the future over a potential major competitor is going to come from the commercial sector. We ought to just step back, relax and be prepared to exploit it. In many ways, too much emphasis on military specific research . . . may very well work to our disadvantage."⁶

Dual use is not a ground-breaking innovation; it is a long-term trend. The United States has never owned a freestanding, solely military industrial base. Most military equipment is off-the-shelf commercial equipment painted olive drab. The American Expeditionary Force took commercial trucks right off the assembly line to France in 1917. The famous C-47 World War II transport aircraft was a green-painted cargo version of the Douglas DC-3 airliner. Artillery officers discovered hand-held Hewlett-Packard calculators early on, but the first widely distributed small computers in the US Army were ordinary Apple IIe's in a "militarized" box. The best-known example is probably the military use of thousands of off-the-shelf commercial Grid Positioning System receivers during the Gulf War.

DOD directed research and development in areas of particular defense interest until about 1965. Since then, especially after the Cold War, the trend has accelerated away from DOD-led research.⁷

Sensors have military use in ASW

Refuto 11 George J Refuto, Senior Program Consultant: Network-Centric C² and Warfighting Operations at Defense Information Systems Agency (DISA) Evolution of the US Sea-Based Nuclear Missile Deterrent: Warfighting Capabilities 2011 Google Books (not all of paragraph)

In the last decade of the Cold War (and even before that), given the US predominance in ASW/ASSW capabilities against the current level or technology and systems, both US and Soviet naval warfare planners and experts always entertained the possibility of a breakthrough in anti-submarine technology --- for example, a new sensor type, perhaps satellite platform-based, that would make the oceans "transparent" -- which would threaten the traditional invulnerability of sea-based, strategic nuclear forces.

Seabed sensors are not non-military

Doumani 71 GEORGE A. DOUMANI, SCIENCE POLICY RESEARCH DIVISION - CONGRESSIONAL RESEARCH SERVICE 1971 EXPLOITING THE RESOURCES OF THE SEABED

http://archive.org/stream/exploitingresour00doug/exploitingresour00doug_djvu.txt

The United States considered the proposed complete demilitarization "unworkable and probably harmful." The U.S. representative pointed out that defense against submarines involved placing warning systems on the seabed, and that military personnel participated in scientific research in that environment. On May 22, 1969, the United States countered with its own version of a seabed treaty, prohibiting the emplacement of fixed nuclear weapons or other weapons of mass destruction or associated fixed launching platforms on, within, or beneath the seabed and ocean floor.

ICEBREAKERS / COAST GUARD

Coast guard is the only federal agency involved in icebreaking (despite funding shortfalls)

Magnuson 13 Stew Magnuson June 2013 National Defense Sticker Shock: \$1 Billion for New Icebreaker

[http://www.nationaldefensemagazine.org/archive/2013/June/Pages/StickerShock\\$1BillionforNewIcebreaker.aspx](http://www.nationaldefensemagazine.org/archive/2013/June/Pages/StickerShock$1BillionforNewIcebreaker.aspx)

The cost to build one new polar icebreaker for the Coast Guard may top \$1 billion, a Congressional Research Service report recently stated.

And that's in 2012 dollars. When work will start in earnest and how much it will cost when it begins is still unknown.

Chronically underfunded even in the best of fiscal times, the Coast Guard spends about \$900 million per year to recapitalize all its ships and aircraft.

"It's the equivalent of telling the Navy they have to suddenly fund another aircraft carrier," said Patrick Bright, chief analytical officer at AMI International, a shipbuilding consulting firm in Bremerton, Wash.

Brian Slattery, an analyst at the Heritage Foundation, said, "Even if the icebreaker was the only acquisition priority for the Coast Guard, it would be tough to afford it."

The service has known for decades that its statutory obligation to be the sole federal agency responsible for busting through polar ice was at risk. A 1983 polar icebreaking requirements study it produced spelled out the upcoming shortages.

"Design of a new icebreaker should start immediately, emphasizing research as well as escort and logistics capabilities, and should reflect the needs of both primary and secondary users," the report stated. Since then, the service was forced to retire several icebreakers and was only allocated the funding to build one, the Healy. It is a medium-size ship intended for scientific research, and was not commissioned until 16 years after the 1983 report.

The Coast Guard now only has two heavy polar icebreakers remaining, the Polar Star and Polar Sea, which have exceeded their 30-year service lives and have been in and out of mothballs for several years.

Coast guard is solely responsible for icebreaking

Coast Guard 14 United States Coast Guard Last Modified 3/6/2014 Icebreaker <http://www.uscg.mil/hq/cg9/icebreaker/>

Polar icebreakers, serving in the Arctic and Antarctica, are specifically designed cutters for open-water icebreaking. The Coast Guard's polar fleet, which includes one 399-foot polar icebreaker (Coast Guard Cutter Polar Star) and one 420-foot polar icebreaker (Coast Guard Cutter Healy), as well as some ice-capable tugs and tenders, represents a national capability.

Why this project?

With commerce and traffic on the Arctic Ocean increasing, including petrochemical exploration and fisheries, the United States has vital national interest in maintaining robust polar icebreaking capability to ensure year-round Coast Guard presence in these important waters.

How is the Coast Guard addressing the need for more polar icebreaking capability?

Refurbishing Polar Star remains the Coast Guard's near-term heavy icebreaker bridging strategy. When refurbished by 2014, Polar Star will be the service's only operational heavy icebreaker. This important, but venerable platform will serve an additional 7 to 10 years but that is only the beginning of the story. The Coast Guard's mission requirements, including marine environmental protection, dictate that the service maintain heavy icebreaking capability for the foreseeable future.

In order to fully fund subsequent phases of this project, the Coast Guard believes that a "whole-of-government" approach will be necessary. Obtaining a new, heavy polar icebreaker that meets Coast Guard requirements will depend upon supplementary financing from other agencies whose activities also rely upon the nation possessing a robust, Arctic-capable surface fleet.

Coast guard is military – it's a branch of the armed forces

Coast Guard 14 United States Coast Guard Last Modified 3/20/2014 About Us <http://www.uscg.mil/top/about/>

Overview of the United States Coast Guard

The U.S. Coast Guard is one of the five armed forces of the United States and the only military organization within the Department of Homeland Security. Since 1790 the Coast Guard has safeguarded our Nation's maritime interests and environment around the world. The Coast Guard is an adaptable, responsive military force of maritime professionals whose broad legal authorities, capable assets, geographic diversity and expansive partnerships provide a persistent presence along our rivers, in the ports, littoral regions and on the high seas. Coast Guard presence and impact is local, regional, national and international. These attributes make the Coast Guard a unique instrument of maritime safety, security and environmental stewardship.

The coast guard is military

Powers 14 Rod Powers, retired Air Force First Sergeant with 22 years of active duty service.

2014 U.S. Military 101 The "Basics" of the United States Military

<http://usmilitary.about.com/cs/generalinfo/a/military101.htm>

Our present military organizational structure is a result of the National Security Act of 1947. This is the same act that created the United States Air Force, and restructured the "War Department" into the "Department of Defense."

The Department of Defense is headed by a civilian; the Secretary of Defense, who is appointed by the President of the United States. Under the Secretary of Defense, there are three military departments: The Department of the Army, the Department of the Air Force, and the Department of the Navy. Each of these military departments are also headed up by civilians; the Secretary of the Army, the Secretary of the Air Force, and the Secretary of the Navy. These "service secretaries" are also appointed by the President.

There are five military branches: The Army, Air Force, Navy, Marine Corps, and Coast Guard. The Army is commanded by a four-star general, known as the Army Chief of Staff. The Army Chief of Staff reports to the Secretary of the Army (for most matters). The top military member in the Air Force is the Air Force Chief of Staff. This four-star general reports (for most matters) to the Secretary of the Air Force. The Navy is commanded by a four-star admiral, called the Chief of Naval Operations. The Marines are commanded by a 4-star general called the Commandant of the Marine Corps. Both the Chief of Naval Operations and the Marine Corps Commandant report (for most matters) to the Secretary of the Navy.

That leaves the Coast Guard. The Coast Guard does not fall under the Department of Defense. Until recently, the Coast Guard was under the Department of Transportation. Recent legislation has moved the Coast Guard to the newly created Department of Homeland Defense. However, the Coast Guard is considered a military service, because, during times of war or conflict, the President of the United States can transfer any or all assets of the Coast Guard to the Department of the Navy. In fact, this has been done in almost every single conflict that the United States have ever been involved in. The Coast Guard is commanded by a 4-star admiral, known as the Coast Guard Commandant.

OCEANS

OCEANS PLURAL - WATER COVERING EARTH

Oceans refers to the total water covering most of the earth

Memidex 13 Memidex free online dictionary 6-26-13 <http://www.memidex.com/oceans>

oceans [Go to the "Audio references" section] noun

(body of water) a large body of water constituting a principal part of the hydrosphere

Synonyms: the deep [literary], oc. [abbreviation]. Type of: body of water. Part of: hydrosphere

(large indefinite quantity) anything apparently limitless in quantity or volume

Synonyms: sea. Type of: large indefinite quantity

Anderson 3 Genny Anderson 2003 Marine Science <http://www.marinebio.net/marinescience/01intro/woocan.htm>

Earth's oceans cover a little over 70 percent of the surface of the planet.

OCEANS PLURAL – MORE THAN ONE OCEAN

"oceans" is plural of ocean, and as a count noun, refers to more than one of the individual oceans

Merriam-Webster 14 Merriam-Webster Learner's Dictionary 2014

<http://www.learnersdictionary.com/definition/ocean>

ocean Listen to audio/'oʊʃən/ noun

plural oceans

1 [noncount] : the salt water that covers much of the Earth's surface

▪ We've sailed across hundreds of miles of ocean. — often used with the ▪ They lived near the ocean. [=the sea] ▪ He had never seen the ocean before. ▪ There's a storm moving in from the ocean. ▪ The ship quickly sank to the bottom of the ocean. ▪ the deepest parts of the ocean — often used before another noun ▪ the ocean floor/bottom/surface ▪ the salty ocean air ▪ ocean fish ▪ an ocean voyage/liner — see color picture

2 or Ocean [count] : one of the five large areas of salt water that cover much of the Earth's surface

▪ the Atlantic Ocean ▪ the Pacific and Indian oceans ▪ the Arctic/Antarctic Ocean

3 [count] informal : a very large number or amount of something

▪ an ocean of sadness — often plural ▪ oceans of time [=lots of time]

Plural form means oceans in being used in the count sense, not the non-count mass of water

Purdue Writing Lab 14 Purdue University Online Writing Lab 2014 Count and Noncount Nouns (with Plurals, Articles, and Quantity Words) <https://owl.english.purdue.edu/owl/resource/541/02/>

Section 1: Definition of Count and Noncount nouns

Count or Noncount?

The main difference between count and noncount nouns is whether you can count the things they refer to or not.

Count nouns refer to things that exist as separate and distinct individual units. They usually refer to what can be perceived by the senses.

Examples: table finger bottle chair remark award word girl candidate

Example sentences: I stepped in a puddle. (How many puddles did you step in? Just one.) I drank a glass of milk. (Glasses of milk can be counted) I saw an apple tree. (Apple trees can be counted)

Noncount nouns refer to things that can't be counted because they are thought of as wholes that can't be cut into parts. They often refer to abstractions and occasionally have a collective meaning (for example, furniture).

Examples: anger courage progress furniture education weather warmth leisure precision

Example sentences: I dove into the water. (How many waters did you dive into? The question doesn't make any sense; therefore water is noncountable.) I saw the milk spill. (How many milks? Milk cannot be counted.) I admired the foliage. (How many foliages? Foliage cannot be counted.)

Think of the batter from which a cake is made. Before you put the batter into the oven, it can't be divided into parts because it's a thick liquid. Once it has been baked, it becomes solid enough to be cut into pieces. Noncount nouns are like cake batter; count nouns are like pieces of cake

Note: Since the issue is complicated and almost no rule is absolute, there will be exceptions to the above definitions; however, we can show some general patterns. Bear in mind that what is countable in another language may not be countable in English, and vice versa.

Section 2: Uses of Count and Noncount Nouns

Pluralizing

The Rule

From the definitions of mass and count given above you may have already guessed the rule for pluralizing them:

most count nouns pluralize with -s

noncount nouns don't pluralize at all

This rule works for all of the nouns in the lists of examples in the first section. Check this rule for yourself before reading further.

An Exception to the Rule

For a number of nouns, the rule needs slight revision. Certain nouns in English belong to both classes: they have both a noncount and a count meaning. Normally the noncount meaning is abstract and general and the count meaning concrete and specific.

Compare:

Count

I've had some difficulties finding a job. (refers to a number of specific problems)

The talks will take place in the Krannert building. (refers to a number of specific lectures)

The city was filled with bright lights and harsh sounds. (refers to a number of specific lights and noises)

Noncount

She succeeded in school with little difficulty. (refers to the general idea of school being difficult)

I dislike idle talk. (refers to talking in general)

Light travels faster than sound. (refers to the way light and sound behave in general)

Note: A special case of the use of noncount nouns in a count sense has to do with classification. Sometimes a usually noncount noun can be understood as one item separate and distinct from other items of the same category. The nouns that function in this way often denote foods and beverages: food(s), drink(s), wine(s), bread(s), coffee(s), fruit(s), and so on. Examples:

There are several French wines to choose from. (= kinds of wine)

I prefer Sumatran coffees to Colombian. (= kinds of coffee)

We use a variety of different batters in our bakery. (= kinds of batter)

A recent entry into this class is homework, which at least among some students has the count plural homeworks in addition to its noncount use. (For example, "You're missing three of the homeworks from the first part of the course.") Because this usage is not firmly established and is likely to be considered nonstandard, you should check with your instructor before using it in writing.

A Revision of the Rule

These exceptions require that the rule for pluralizing be revised: count nouns and nouns used in a count sense pluralize; noncount nouns and nouns used in a noncount sense do not.

The two possibilities in each half of the rule require different choices. If you know that a particular noun must be either count or noncount and cannot be both, you need to decide only if it is possible to pluralize the noun. On the other hand, if you know that a particular noun may be used in either a count or noncount sense, then you need to decide whether it is appropriate to pluralize.

The single continuous body of water definition is the non-count meaning of ocean

Merriam-Webster 14 Merriam-Webster Learner's Dictionary 2014

<http://www.learnersdictionary.com/definition/ocean>

ocean Listen to audio/'oʊʃən/ noun

plural oceans

1 [noncount] : the salt water that covers much of the Earth's surface

▪ We've sailed across hundreds of miles of ocean. — often used with the ▪ They lived near the ocean. [=the sea] ▪ He had never seen the ocean before. ▪ There's a storm moving in from the ocean. ▪ The ship quickly sank to the bottom of the ocean. ▪ the deepest parts of the ocean — often used before another noun ▪ the ocean floor/bottom/surface ▪ the salty ocean air ▪ ocean fish ▪ an ocean voyage/liner — see color picture

2 or Ocean [count] : one of the five large areas of salt water that cover much of the Earth's surface

▪ the Atlantic Ocean ▪ the Pacific and Indian oceans ▪ the Arctic/Antarctic Ocean

3 [count] informal : a very large number or amount of something

▪ an ocean of sadness — often plural ▪ oceans of time [=lots of time]

OCEAN IS ONE OF THE DIVISIONS OF SALT WATER

Ocean is one of the geographical divisions of the earth's salt water

Oxford 14 Oxford Dictionaries 2014 http://www.oxforddictionaries.com/us/definition/american_english/ocean

Definition of ocean in English: ocean Syllabification: o·cean Pronunciation: /'ōSHən/

noun

1A very large expanse of sea, in particular, each of the main areas into which the sea is divided geographically: the Atlantic

Ocean

More example sentencesSynonyms

1.1 (usually the ocean) North American The sea: [as modifier]: the ocean floor

More example sentences

1.2 (an ocean of/oceans of) • informal A very large expanse or quantity: she had oceans of energy

More example sentencesSynonyms

Random House 14 Dictionary.com Unabridged; Based on the Random House Dictionary, © Random House, Inc. 2014.

<http://dictionary.reference.com/browse/ocean>

o·cean [oh-shuhn] Show IPA noun

1. the vast body of salt water that covers almost three fourths of the earth's surface.

2. any of the geographical divisions of this body, commonly given as the Atlantic, Pacific, Indian, Arctic, and Antarctic oceans.

3. a vast expanse or quantity: an ocean of grass.

Collins 9 Collins English Dictionary - Complete & Unabridged 10th Edition 2009 World English Dictionary

<http://dictionary.reference.com/browse/ocean>

ocean ('əʊʃən) — n

1. a very large stretch of sea, esp one of the five oceans of the world, the Atlantic, Pacific, Indian, Arctic, and Antarctic

2. the body of salt water covering approximately 70 per cent of the earth's surface

3. a huge quantity or expanse: an ocean of replies

4. literary the sea

Merriam-Webster 14 Merriam-Webster 2014, Incorporated <http://www.merriam-webster.com/dictionary/ocean>

Ocean noun, often attributive \ 'ō-shən \

: the salt water that covers much of the Earth's surface

: one of the five large areas of salt water that cover much of the Earth's surface

: a very large number or amount of something

OCEAN IS SINGLE CONTINUOUS BODY OF WATER

Ocean is the single continuous body of salt water

Science Dictionary 2 The American Heritage® Science Dictionary Copyright © 2002. Published by Houghton Mifflin.

<http://dictionary.reference.com/browse/ocean>

ocean (ō'shən) Pronunciation Key

The continuous body of salt water that covers 72 percent of the Earth's surface. The average salinity of ocean water is approximately three percent. The deepest known area of the ocean, at 11,034 m (36,192 ft) is the Mariana Trench, located in the western Pacific Ocean.

Any of the principal divisions of this body of water, including the Atlantic, Pacific, Indian, and Arctic Oceans.

Our Living Language : The word ocean refers to one of the Earth's four distinct, large areas of salt water, the Pacific, Atlantic, Indian, and Arctic Oceans. The word can also mean the entire network of water that covers almost three quarters of our planet. It comes from the Greek Okeanos, a river believed to circle the globe. The word sea can also mean the vast ocean covering most of the world. But it more commonly refers to large landlocked or almost landlocked salty waters smaller than the great oceans, such as the Mediterranean Sea or the Bering Sea. Sailors have long referred to all the world's waters as the seven seas. Although the origin of this phrase is not known for certain, many people believe it referred to the Red Sea, the Mediterranean Sea, the Persian Gulf, the Black Sea, the Adriatic Sea, the Caspian Sea, and the Indian Ocean, which were the waters of primary interest to Europeans before Columbus.

Merriam-Webster 14 Merriam-Webster 2014, Incorporated <http://www.merriam-webster.com/dictionary/ocean>

Full Definition of OCEAN

1 a : the whole body of salt water that covers nearly three fourths of the surface of the earth

b : any of the large bodies of water (as the Atlantic Ocean) into which the great ocean is divided

2: a very large or unlimited space or quantity

American Heritage 9 The American Heritage® Dictionary of the English Language, Fourth Edition copyright ©2000 by Houghton Mifflin Company. Updated in 2009. Published by Houghton Mifflin Company. All rights reserved.

<http://www.thefreedictionary.com/ocean>

ocean (ō'shən) n.

1. The entire body of salt water that covers more than 70 percent of the earth's surface.

2. Abbr. Oc. or O. Any of the principal divisions of the ocean, including the Atlantic, Pacific, Indian, Arctic, and Antarctic oceans.

3. A great expanse or amount: "that ocean of land which is Russia" (Henry A. Kissinger).

[Middle English ocean, from Old French, from Latin ōceanus, from Greek Ōkeanos, the god Oceanus, a great river encircling the earth.]

Collins 3 Collins English Dictionary – Complete and Unabridged © HarperCollins Publishers 1991, 1994, 1998, 2000, 2003

<http://www.thefreedictionary.com/ocean>

ocean ('əʊʃən) n

1. (Physical Geography) a very large stretch of sea, esp one of the five oceans of the world, the Atlantic, Pacific, Indian, Arctic, and Antarctic

2. (Physical Geography) the body of salt water covering approximately 70 per cent of the earth's surface

3. a huge quantity or expanse: an ocean of replies.

4. the sea

Webster's 10 Random House Kernerman Webster's College Dictionary, © 2010 K Dictionaries Ltd. Copyright 2005, 1997, 1991 by Random House, Inc. All rights reserved. <http://www.thefreedictionary.com/ocean>

ocean ('oʊʃən) n.

1. the vast body of salt water that covers almost three-fourths of the earth's surface.

2. any of the geographical divisions of this body, commonly given as the Atlantic, Pacific, Indian, Arctic, and Antarctic oceans.

3. a vast expanse or quantity: an ocean of grass.

INCLUDES SEABED AND RESOURCES

Ocean includes water, seabed and resources

Mansfield 4 Becky Mansfield Department of Geography, Ohio State University, Geoforum

Volume 35, Issue 3, May 2004, Pages 313–326 Neoliberalism in the oceans: “rationalization,” property rights, and the commons question Science Direct <http://www.sciencedirect.com/science/article/pii/S0016718503001155>

In this paper, I address these questions by analyzing the development of neoliberalism in the oceans, and in particular in ocean fisheries. Examining the ways that past policy orientations toward fisheries have influenced the development of neoliberal approaches to ocean governance, I contend that neoliberalism in the oceans centers specifically around concerns about property and the use of privatization to create markets for governing access to and use of ocean resources. Within the Euro-American tradition that has shaped international law of the sea, the oceans (including the water column, seabed, and living and mineral resources) were long treated as common property—the “common heritage of mankind” (Pardo, 1967)—open to all comers with the means to create and exploit oceanic opportunities. Although historically there has also been continual tension between this openness of access and desire for territorialization (especially of coastal waters), treating the oceans as a commons is consistent with the idea that oceans are spaces of movement and transportation, which have facilitated mercantilism, exploration, colonial expansion, and cold war military maneuvering (Steinberg, 2001).¹ Oceans have also long been sites for resource extraction, yet it has not been until recent decades that new economic desires and environmental contradictions have contributed to a pronounced move away from open access and freedom of the seas. New technologies for resource extraction combined with regional overexploitation have contributed to conflicts over resources, to which representatives from academia, politics, and business have responded by calling for enclosing the oceans within carefully delimited regimes of property rights, be those regimes of state, individual, or collective control.

Exploration and development includes beneath the ocean floor

Tsujino 7 TERUHISA TSUJINO, Monodzukuri Technology, Infrastructure and Frontier Research Unit

SCIENCE & TECHNOLOGY TRENDS QUARTERLY REVIEW No.24 / July 2007

Exploration Technologies for the Utilization of Ocean Floor Resources — Contribution to the Investigation for the Delineation of Continental Shelf —

<http://www.nistep.go.jp/achiev/ftx/eng/stfc/stt024e/qr24pdf/STTqr2405.pdf>

Among the ocean floor exploration technologies are bathymetry technology (measurement of seabed geography), seismic exploration technology (geological survey of seabed), bedrock sampling technology (seabed drilling), geophysical observation technology (measurement of gravitational force and earth magnetism). Furthermore, in the Promotion Strategies for the Frontier Field of the Third Science and Technology Basic Plan [2], targets for research and development making use of diversified exploration technologies are shown relating to major subjects of ocean development, such as “elucidation of the inner structure of the earth” and “ocean utilization technology.”

In the Promotion Strategies for Frontier Fields of the Third Science and Technology Basic Plan [2], (i) research on the dynamic behavior of earth’s interior using the deep sea drilling vessel, “Chikyu” and (ii) high-accuracy survey of crustal structure effective for the delineation of the continental shelf are listed as the major subjects of the “elucidation of earth’s interior structure”, and (i) drilling of the bedrock for the delineation of the continental shelf. (ii) exploration and development of petroleum and natural gas resources. (iii) exploration and development of deep sea mineral resources. (iv) research on the utilization of methane hydrate, and (v) development of elemental technologies for ocean platforms are listed as the major subjects of “ocean development technologies.”

FROM SURFACE DOWN

The ocean starts at the surface

Knight 13 J.D. Knight, Sea and Sky 2013 The Sea Creatures of the Deep Sea"

<http://www.seasky.org/deep-sea/ocean-layers.html>

Layers of the Ocean

Scientists have divided the ocean into five main layers. These layers, known as "zones", extend from the surface to the most extreme depths where light can no longer penetrate. These deep zones are where some of the most bizarre and fascinating creatures in the sea can be found. As we dive deeper into these largely unexplored places, the temperature drops and the pressure increases at an astounding rate. The following diagram lists each of these zones in order of depth.

The upper limit of the ocean is the water surface

NOAA 8 NOAA October 8, 2008 Layers of the Ocean

http://oceanservice.noaa.gov/education/yos/resource/JetStream/ocean/layers_ocean.htm

Layers of the Ocean - Just as the atmosphere is divided into layers the ocean consists of several layers itself.

Epipelagic Zone

This surface layer is also called the sunlight zone and extends from the surface to 660 feet (200 meters). It is in this zone that most of the visible light exists. With the light comes heating from sun. This heating is responsible for wide change in temperature that occurs in this zone, both in the latitude and each season. The sea surface temperatures range from as high as 97°F (36°C) in the Persian Gulf to 28°F (-2°C) near the north pole.

The surface is the top of the highest layer of the ocean

World Ocean Review 10 World Ocean Review 2010 Depth zones of the ocean

<http://worldoceanreview.com/en/wor-2/fisheries/deep-sea-fishing/depth-zones-of-the-ocean/>

The ocean is divided into different depth zones. The epipelagic extends from the water surface down to a depth of 200 metres. The word comes from the Greek terms pélagos (open sea) and epí (upon). This upper layer, which is influenced by light, is especially productive because the primary producers (algae, cyanobacteria and seagrass) produce biomass here through photosynthesis. This primary production is the foundation of life in the sea.

Below the epipelagic zone lies the mesopelagic, extending down to around 1000 metres (Gr.: mésos = middle). Below this, the bathypelagic zone encompasses depths from 1000 to 4000 metres (Gr.: bathýs = deep). Many deep-sea species live within this zone, including fish, crustaceans and snails. And even deeper, between 4000 and 6000 metres, lies the abyssopelagic (Gr.: ábyssos = bottomless), where the prevailing temperatures are near the freezing point. Even here specialized animal species can be found, including crustaceans. The deepest regions of the sea are called hadopelagic (Gr.: hades = underworld). The hadopelagic extends into the deep-sea trenches, down to a depth of 11,000 metres. The inhabitants of this deepest marine region include bristle worms. The ambient pressure here is around 1000 times greater than at the water surface.

Ocean information extends downward from the sea surface

Lampitt et al 10 Richard Lampitt, Adrian Martin et al., NOC Oceans 2025 a strategic

programme for NERC Natural Environment Research Council 2010 http://www.oceans2025.org/Oceans_2025_theme_five.php

To determine the role of the ocean in the global climate system, we need information on how the marine environment is changing with time - and how the climate affects, and is affected by, the ways in which material is created, transformed and degraded from the sea surface to the seafloor. Observations need to be made in a sustained manner so that interrelations can be determined and episodic events are recorded. The Porcupine Abyssal Plain (PAP) site in the Northeast Atlantic (figure 1) is one of few places where this has been investigated intensively across the full water column and on the sea floor via time-series and process studies. Full-depth profiling data are collected using a wire (figure 2) equipped with a diverse array of sensors and this extends from the surface to the sea floor with additional "landers" sitting on the seafloor itself. Data can be recorded every few hours, weeks, months and even years, and are transmitted to shore-stations via satellite or stored by the instruments until they can be recovered by ship.

Exploration includes all aspects of the ocean

NOAA 13 NOAA Report of Ocean Exploration 2020: A National Forum. 2013

http://oceanexplorer.noaa.gov/oceanexploration2020/oe2020_report.pdf

Participants noted that "ocean exploration" includes everything from the sub-sea floor to the ocean

surface. In all of these geographic areas, participants agreed that a greater emphasis should be placed on exploring the water column than often has been the case in the past.

GREAT LAKES

Ocean exploration includes the Great Lakes

NOAA 9 DEPARTMENT OF COMMERCE National Oceanic and Atmospheric Administration (NOAA)

[Docket No. 0908101223-91223-01; I.D. GF001] Applications for the FY 2010 Ocean Exploration (OE) Program [Federal Register Volume 74, Number 165 (Thursday, August 27, 2009)]

<http://www.gpo.gov/fdsys/pkg/FR-2009-08-27/html/E9-20740.htm>

SUPPLEMENTARY INFORMATION: Ocean exploration was defined by the 2000 President's Panel on Ocean Exploration, as ``discovery through disciplined diverse observations and the recording of the finding." NOAA's Office of Ocean Exploration and Research seeks to catalyze ocean discovery and understanding at our ocean and Great Lakes frontiers through bold and innovative explorations. These explorations should revolutionize our knowledge baselines by exploring, characterizing and mapping, at new and/or higher scales, the oceans living and nonliving resources and its physical, chemical and biological characteristics. Data and observations resulting from OE expeditions will result in new discoveries, new insight, new knowledge and new frontiers and will likely lead to the revision of existing paradigms or the formulation of new paradigms in the oceans poorly known and unknown regions. The purpose of this announcement is to invite the submission of pre-proposals and full proposals that address ocean exploration and advanced technology development. Through discovery and the systematic exploration of unknown ocean areas and phenomena, OER serves to ensure NOAA can meet its goal to, ``Protect, Restore, and Manage the Use of Coastal and Ocean Resources Through an Ecosystem Approach to Management" (New Priorities for the 21st Century, NOAA's Strategic Vision). The results of OER activities are cornerstones upon which ecosystems will be discovered, defined and understood thus enabling them to be protected, restored, and managed. The interdisciplinary and multidisciplinary nature of OER activities also serves NOAA's current strategic plan (New Priorities for the 21st Century--NOAA's Strategic Plan) goal to ``Understand Climate Variability and Change to Enhance Society's Ability to Plan and Respond." The discovery and characterization of new ocean phenomena and dynamic processes provide essential information for understanding ocean--atmosphere connections and their influence on climate. The discovery of new habitats and species also provides essential information for understanding the effects of a changing climate on the marine resources upon which we depend.

OF

Of indicates object of action

Merriam-Webster 14 2014 Merriam-Webster, Incorporated

<http://www.merriam-webster.com/dictionary/of>

- 9a —used as a function word to indicate the object of an action denoted or implied by the preceding noun <love of nature>
 b —used as a function word to indicate the application of a verb <cheats him of a dollar> or of an adjective <fond of candy>

Of indicates subject or object of verbal nouns like exploration and development

Collins 9 Collins English Dictionary - Complete & Unabridged 10th Edition 2009 © William Collins Sons & Co. Ltd. 1979, 1986

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World English Dictionary <http://dictionary.reference.com/browse/of>

of (ɒv, (unstressed) əv)

— prep

1. used with a verbal noun or gerund to link it with a following noun that is either the subject or the object of the verb embedded in the gerund: the breathing of a fine swimmer (subject) : the breathing of clean air (object)

Outer space example proves object relation

Bocksteigel 95 Dr. Karl-Heinz Bocksteigel Director of the Institute of Air and Space Law and Holder of the Chair for International Business Law at the University of Cologne, Germany; Chairman of Council of the National German Space Agency (DARA); Chairman of the Space Law Committee of the International Law Association; Member of the Board of Directors of the International Institute of Space Law; Member of the Council of the ICC Institute of International Business Law and Practice. 1995 Research and invention in outer space: liability and intellectual property rights - ed: Sa'id Mosteshar, ed Google Books

The official title of the Outer Space Treaty ('OST') mentions both exploration and use of outer space as the two 'activities of States' which one has to take into account and which are therefore covered by the Outer Space Treaty. The same pair of terms appears again in the Preamble as well as further articles such as Article I and Article III of the Treaty. Other articles and other space treaties either take up only one of these two terms or use a general terms such as 'activities in outer space' (Art. VI, OST) or generally deal with 'objects launched into outer space' (Art. VII, Art. VIII, OST and the Registration Convention) or 'space objects' (Liability Convention) or finally 'activities of States on the Moon and other celestial bodies' (Moon Treaty). At first sight the distinction between exploration and use may seem sufficiently clear. Indeed in connection with most space activities there may be little doubt which of these two terms is applicable. First doubts appear, however, because the Outer Space Treaty speaks of exploration 'of outer space'. This wording could be interpreted to mean that space must be the object of exploration. The consequence would be that the great part of research which has to take place 'in space' in view of the specific physical conditions there, but which has as its object specific materials, would not be covered and might only be considered as 'use' of space.

Of means associated with

Words and Phrases 72 vol 72 p 338

Word "of" generally means "associated with" or "connected with" or "pertaining to." Kelly v. US Dept of Interior. DC, Cal, 339 F Supp 1095, 11001

Full definitions for various other meanings

Merriam-Webster 14 2014 Merriam-Webster, Incorporated

<http://www.merriam-webster.com/dictionary/of>

of preposition \əv, before consonants also ə; 'əv, 'äv\

: belonging to, relating to, or connected with (someone or something)

—used to indicate that someone or something belongs to a group of people or things

: living or occurring in (a specified country, city, town, etc.)

Full Definition of OF

- 1—used as a function word to indicate a point of reckoning <north of the lake>

- 2a —used as a function word to indicate origin or derivation <a man of noble birth>
- b —used as a function word to indicate the cause, motive, or reason <died of flu>
- c : by <plays of Shakespeare>
- d : on the part of <very kind of you>
- e : occurring in <a fish of the western Atlantic>
- 3—used as a function word to indicate the component material, parts, or elements or the contents <throne of gold> <cup of water>
- 4a —used as a function word to indicate the whole that includes the part denoted by the preceding word <most of the army>
- b —used as a function word to indicate a whole or quantity from which a part is removed or expended <gave of his time>
- 5a : relating to : about <stories of her travels>
- b : in respect to <slow of speech>
- 6a —used as a function word to indicate belonging or a possessive relationship <king of England>
- b —used as a function word to indicate relationship between a result determined by a function or operation and a basic entity (as an independent variable) <a function of x> <the product of two numbers>
- 7—used as a function word to indicate something from which a person or thing is delivered <eased of her pain> or with respect to which someone or something is made destitute <robbed of all their belongings>
- 8a —used as a function word to indicate a particular example belonging to the class denoted by the preceding noun <the city of Rome>
- b —used as a function word to indicate apposition <that fool of a husband>
- 9a —used as a function word to indicate the object of an action denoted or implied by the preceding noun <love of nature>
- b —used as a function word to indicate the application of a verb <cheats him of a dollar> or of an adjective <fond of candy>
- 10—used as a function word to indicate a characteristic or distinctive quality or possession <a woman of courage>
- 11a —used as a function word to indicate the position in time of an action or occurrence <died of a Monday>
- b : before <quarter of ten>
- 12archaic : on <a plague of all cowards — Shakespeare>
- See of defined for English-language learners »
- See of defined for kids »

Random House 14 Dictionary.com Unabridged, Based on the Random House Dictionary, © Random House, Inc. 2014. Cite This Source <http://dictionary.reference.com/browse/of>

- of
- 1 [uhv, ov; unstressed uhv or, esp. before consonants, uh] Show IPA
- preposition
- 1.(used to indicate distance or direction from, separation, deprivation, etc.): within a mile of the church; south of Omaha; to be robbed of one's money.
- 2.(used to indicate derivation, origin, or source): a man of good family; the plays of Shakespeare; a piece of cake.
- 3.(used to indicate cause, motive, occasion, or reason): to die of hunger.
- 4.(used to indicate material, component parts, substance, or contents): a dress of silk; an apartment of three rooms; a book of poems; a package of cheese.
- 5.(used to indicate apposition or identity): Is that idiot of a salesman calling again?

Collins 9 Collins English Dictionary - Complete & Unabridged 10th Edition 2009 © William Collins Sons & Co. Ltd. 1979, 1986 © HarperCollins Publishers 1998, 2000, 2003, 2005, 2006, 2007, 2009 Cite This Source |

World English Dictionary <http://dictionary.reference.com/browse/of>

- of (ɒv, (unstressed) əv)
- prep
- 1. used with a verbal noun or gerund to link it with a following noun that is either the subject or the object of the verb embedded in the gerund: the breathing of a fine swimmer (subject) ; the breathing of clean air (object)
- 2. used to indicate possession, origin, or association: the house of my sister ; to die of hunger
- 3. used after words or phrases expressing quantities: a pint of milk
- 4. constituted by, containing, or characterized by: a family of idiots ; a rod of iron ; a man of some depth
- 5. used to indicate separation, as in time or space: within a mile of the town ; within ten minutes of the beginning of the concert
- 6. used to mark apposition: the city of Naples ; a speech on the subject of archaeology
- 7. about; concerning: speak to me of love
- 8. used in passive constructions to indicate the agent: he was beloved of all
- 9. informal used to indicate a day or part of a period of time when some activity habitually occurs: I go to the pub of an evening
- 10. (US) before the hour of: a quarter of nine

Oxford 14 Oxford Dictionaries 2014 <http://www.oxforddictionaries.com/definition/english/of>

Of preposition

1 Expressing the relationship between a part and a whole:

1.1 With the word denoting the part functioning as the head of the phrase: the sleeve of his coat in the back of the car the days of the week

More example sentences

1.2 After a number, quantifier, or partitive noun, with the word denoting the whole functioning as the head of the phrase: nine of the children came to the show a series of programmes [with mass noun]: a piece of cake

More example sentences

2 Expressing the relationship between a scale or measure and a value: an increase of 5% a height of 10 metres

More example sentences

2.1 Expressing an age: a boy of 15

More example sentences

3 Indicating an association between two entities, typically one of belonging, in which the first is the head of the phrase and the second is something associated with it: the son of a friend the government of India a photograph of the bride [with a possessive]: a former colleague of John's

More example sentences

3.1 Expressing the relationship between an author, artist, or composer and their works collectively: the plays of Shakespeare the paintings of Rembrandt

More example sentences

4 Expressing the relationship between a direction and a point of reference: north of Watford

More example sentences

5 Expressing the relationship between a general category or type and the thing being specified which belongs to such a category: the city of Prague the idea of a just society the population of interbreeding individuals this type of book

More example sentences

6 Expressing the relationship between an abstract concept having a verb-like meaning and a noun denoting the subject of the underlying verb: the opinion of the directors the decision of the County Council

More example sentences

6.1 Where the second noun denotes the object of the underlying verb: the murder of two boys payment of his debts an admirer of Dickens

More example sentences

6.2 Where the head of the phrase is a predicative adjective: it was kind of you to ask I am certain of that

More example sentences

7 Indicating the relationship between a verb and an indirect object:

7.1 With a verb expressing a mental state: I don't know of anything that would be suitable

More example sentences

7.2 Expressing a cause: he died of cancer

More example sentences

8 Indicating the material or substance constituting something: the house was built of bricks walls of stone

More example sentences

9 North American Expressing time in relation to the following hour: it would be just a quarter of three in New York

American Heritage 9 The American Heritage® Dictionary of the English Language, Fourth Edition copyright ©2000 by Houghton Mifflin Company. Updated in 2009. Published by Houghton Mifflin Company. All rights reserved.

<http://www.thefreedictionary.com/OF>

of (ʊv, ðv; əv when unstressed)

prep.

1. Derived or coming from; originating at or from: customs of the South.

2. Caused by; resulting from: a death of tuberculosis.

3. Away from; at a distance from: a mile east of here.

4. So as to be separated or relieved from: robbed of one's dignity; cured of distemper.

5. From the total or group comprising: give of one's time; two of my friends; most of the cases.

6. Composed or made from: a dress of silk.

7. Associated with or adhering to: people of your religion.

8. Belonging or connected to: the rungs of a ladder.

9.

a. Possessing; having: a person of honor.

b. On one's part: very nice of you.

10. Containing or carrying: a basket of groceries.

11. Specified as; named or called: a depth of ten feet; the Garden of Eden.

12. Centering on; directed toward: a love of horses.

13. Produced by; issuing from: products of the vine.
14. Characterized or identified by: a year of famine.
15.
 - a. With reference to; about: think highly of her proposals; will speak of it later.
 - b. In respect to: slow of speech.
16. Set aside for; taken up by: a day of rest.
17. Before; until: five minutes of two.
18. During or on a specified time: of recent years.
19. By: beloved of the family.
20. Used to indicate an appositive: that idiot of a driver.
21. Archaic On: "A plague of all cowards, I say" (Shakespeare).

Collins 3 Collins English Dictionary – Complete and Unabridged © HarperCollins Publishers 1991, 1994, 1998, 2000, 2003

<http://www.thefreedictionary.com/OF>

of (ɒv; unstressed əv)

prep

1. used with a verbal noun or gerund to link it with a following noun that is either the subject or the object of the verb embedded in the gerund: the breathing of a fine swimmer (subject); the breathing of clean air (object).
2. used to indicate possession, origin, or association: the house of my sister; to die of hunger.
3. used after words or phrases expressing quantities: a pint of milk.
4. constituted by, containing, or characterized by: a family of idiots; a rod of iron; a man of some depth.
5. used to indicate separation, as in time or space: within a mile of the town; within ten minutes of the beginning of the concert.
6. used to mark apposition: the city of Naples; a speech on the subject of archaeology.
7. about; concerning: speak to me of love.
8. used in passive constructions to indicate the agent: he was beloved of all.
9. used to indicate a day or part of a period of time when some activity habitually occurs: I go to the pub of an evening.
10. *US* before the hour of: a quarter of nine.

[Old English (as prep and adv); related to Old Norse *af*, Old High German *aba*, Latin *ab*, Greek *apo*]

Usage: See at off

Webster's College 10 Random House Kernerman Webster's College Dictionary, © 2010 K Dictionaries Ltd. Copyright 2005, 1997, 1991 by Random House, Inc. All rights reserved. <http://www.thefreedictionary.com/OF>

of¹ (ʌv, ɒv; unstressed əv or, esp. before consonants, ə)

prep.

1. (used to indicate distance or direction from, separation, deprivation, etc.): within a mile of the house; robbed of one's money.
2. (used to indicate derivation or origin): the songs of Gershwin.
3. (used to indicate cause or reason): dead of hunger.
4. (used to indicate material, substance, or contents): a dress of silk; a book of poems.
5. (used to indicate apposition or identity): a genius of a pilot.
6. (used to indicate possession or association): property of the church.
7. (used to indicate inclusion in a number, class, or whole): one of us.
8. (used to indicate the object of the action noted by the preceding noun, verb, or adjective): the ringing of bells; to write of home; tired of working.
9. (used to indicate qualities or attributes): a woman of courage.
10. (used to indicate a specified time): They arrived of an evening.
11. before the hour of; until: ten minutes of one.
12. on the part of: It was nice of you to come.
13. set aside for or devoted to: a minute of prayer.
14. Archaic. by: consumed of worms.

[before 900; Middle English, Old English: of, off; c. German *ab*, Latin *ab*, Greek *apó*]

usage: of with an adjective after the adverb how or too is largely characteristic of informal speech: How long of a drive will it be? It's too hot of a day for tennis. This is often criticized in more formal situations. See also **couple**, **off**.

of² (əv)

auxiliary v. Nonstandard.

have: He should of asked me. **Compare a⁴.**

of-

var. of ob- (by assimilation) before f: offend.

OF

Old French.

RESOLVED

Resolved means decided by vote

American Heritage 9 The American Heritage® Dictionary of the English Language, Fourth Edition copyright ©2000 by Houghton Mifflin Company. Updated in 2009. <http://www.thefreedictionary.com/resolved>
re·solve (r-zlv) v. re·solved, re·solv·ing, re·solves v.tr.
 3. To decide or express by formal vote.

Resolved means declared by vote

Webster 13 © 2013 Merriam-Webster, Incorporated <http://www.merriam-webster.com/dictionary/resolve>
re·solve verb \ri-'zälv, -'zölv also -'zäv or -'zöv\ re·solvedre·solv·ing
 Definition of RESOLVE
 transitive verb
 6 a : to declare or decide by a formal resolution and vote
 b : to change by resolution or formal vote <the house resolved itself into a committee>

Resolved means to enact by law

Words and Phrases 64 vol 37A
Definition of the word “resolve.” given by Webster is “to express an opinion or determination by resolution or vote; as ‘it was resolved by the legislature;’” It is of similar force to the word “enact,” which is defined by Bouvier as meaning “to establish by law”.

A resolution is opinion, not law

Words and Phrases 3 vol 37A supp pamphlet
 Or. 1975 “Resolution” is not law but merely a form in which a legislative body expresses an opinion – Baker v. City of Milwaukee, 533 P 2d 772, 271 Or. 500 - Mun corp 85

Resolved is a definite course of action

Collins 3 Collins English Dictionary – Complete and Unabridged © HarperCollins Publishers 1991, 1994, 1998, 2000, 2003
<http://www.thefreedictionary.com/resolved>
resolved [rɪ'zɒlvd] adj
fixed in purpose or intention: determined

.

Resolved means definite decision

Dictionary. Com 13 Dictionary.com Unabridged Based on the Random House Dictionary, © Random House, Inc. 2013.
<http://dictionary.reference.com/browse/resolved>
re·solve [ri-zolv] Show IPA verb, re·solved, re·solv·ing, noun
 verb (used with object)
to come to a definite or earnest decision about: determine (to do something): I have resolved that I shall live to the full.

Resolved means determined

Oxford Dictionaries 13 <http://oxforddictionaries.com/definition/english/resolved>
 Definition of resolved adjective [predic., with infinitive]
firmly determined to do something:

SHOULD

Should in the resolution means the policy is desirable

Freeley and Steinberg 9 Austin J. Freeley, former prof. of communication, John Carroll Univ, and David L. Steinberg, prof of communication, Univ of Miami, *Argumentation and Debate: Critical Thinking for Reasoned Decision Making*, 2009, 12th edition, pp 68-9 googlebooks

Most propositions on matters of policy contain the word "should" – for example, "Resolved: That such-and-such *should* be done." In a debate on a policy proposition, "should" means that intelligent self-interest, social welfare, or national interest prompts this action, and that it is both desirable and workable. When the affirmative claims a policy "should" be adopted, it must show that the policy is practical – but it is under no obligation to show it *will* be adopted. The affirmative must give enough detail to show it would work. It may be impossible, within the time limitations of the debate, for the affirmative to give all the details, but it must at least show the outline of its policy and indicate how the details could be worked out. For example, in a debate on federal aid to education, the affirmative could not reasonably be expected to indicate how much money each state would receive under its plan, but it would be obliged to indicate the method by which the amount of the grants would be determined. It is pointless for the negative to seek to show that the affirmative's plan could not be adopted by demonstrating that public opinion is against it or that the supporters of the plan lack sufficient voting strength in Congress.

Should indicates desirable

Oxford Dictionaries 13 2013 http://oxforddictionaries.com/us/definition/american_english/should

Definition of should verb (3rd sing. should)

used to indicate obligation, duty, or correctness, typically when criticizing someone's actions: he should have been careful I think we should trust our people more you shouldn't have gone

indicating a desirable or expected state: by now students should be able to read with a large degree of independence

used to give or ask advice or suggestions: you should go back to bed what should I wear?

(I should) used to give advice: I should hold out if I were you

Should means recommended

Words and Phrases 2 Vol. 39, p. 370, 2002)

Cal.App. 5 Dist. 1976. Term "should," as used in statutory provision that motion to suppress search warrant should first be heard by magistrate who issued warrant, is used in regular, persuasive sense, as recommendation, and is thus not mandatory but permissive. West's Ann.Pen Code, § 1538.5(b).---Cuevas v. Superior Court, 130 Cal. Rptr. 238, 58 Cal.App.3d 406 ----Searches 191

Should indicates the right thing to do

Oxford 11 Oxford Advanced Learner's Dictionary 2011 <http://oald8.oxfordlearnersdictionaries.com/dictionary/should>

Usage notes Usage note: should / ought / had better

Should and ought to are both used to say that something is the best thing or the right thing to do, but should is much more common: You should take the baby to the doctor's. ◇ I ought to give up smoking. In questions, should is usually used instead of ought to: Should we call the doctor?

Should indicates action is sensible

Macmillan 13 Macmillan Dictionary 2013 <http://www.macmillandictionary.com/us/dictionary/american/should>

Should

used for talking about what is right, sensible, or correct

a. used for saying or asking about the right or sensible thing to do or the right way to behave

Parents should spend as much time with their children as possible.

It's an amazing book – you should read it.

You shouldn't drive so fast.

What should I do? Should I look for another job?

There should be a law against spreading lies.
 What should be taught in our schools?
 They should be ashamed of themselves.
 Thesaurus entry for this meaning of should

Should means ought to

Kernerman 13 Kernerman English Multilingual Dictionary © 2006-2013 K Dictionaries Ltd.

<http://www.thefreedictionary.com/should>

should (ʃʊd) – negative short form shouldn't (ˈʃʊdn't) – verb

2. used to state that something ought to happen, be done etc. You should hold your knife in your right hand; You shouldn't have said that.

Should implies duty and obligation.

Words and Phrases, 1986

The word “should,” as used in instructions, may convey to the jury the sense of duty and obligation. State v. Connor, 87 P. 703, 74 Kan. 898.

“Should” means desirable --- this does not have to be a mandate

Atlas Collaboration 99 (“Use of Shall, Should, May Can,” <http://rd13doc.cern.ch/Atlas/DaqSoft/sde/inspect/shall.html>) shall

'shall' describes something that is **mandatory**. If a requirement uses 'shall', then that requirement will be satisfied without fail. Noncompliance is not allowed. Failure to comply with one single 'shall' is sufficient reason to reject the entire product. Indeed, it must be rejected under these circumstances. Examples: # "Requirements shall make use of the word 'shall' only where compliance is mandatory." This is a good example. # "C++ code shall have comments every 5th line." This is a bad example. Using 'shall' here is too strong.
 should

'should' is **weaker**. It describes something that might not be satisfied in the final product, but that is desirable enough that any noncompliance shall be explicitly justified. Any use of 'should' should be examined carefully, as it probably means that something is not being stated clearly. If a 'should' can be replaced by a 'shall', or can be discarded entirely, so much the better. Examples: # "C++ code should be ANSI compliant." A good example. It may not be possible to be ANSI compliant on all platforms, but we should try. # "Code should be tested thoroughly." Bad example. This 'should' shall be replaced with 'shall' if this requirement is to be stated anywhere (to say nothing of defining what 'thoroughly' means)

“Should” means must – its mandatory

Foresi 32 (Remo Foresi v. Hudson Coal Co., Superior Court of Pennsylvania, 106 Pa. Super. 307; 161 A. 910; 1932 Pa. Super. LEXIS 239, 7-14, Lexis)

As regards the mandatory character of the rule, the word 'should' is not only an auxiliary verb, it is also the preterite of the verb, 'shall' and has for one of its meanings as defined in the Century Dictionary: "Obliged or compelled (to); would have (to); must; ought (to); used with an infinitive (without to) to express obligation, necessity or duty in connection with some act yet to be carried out." We think it clear that it is in that sense that the word 'should' is used in this rule, not merely advisory. When the judge in charging the jury tells them that, unless they find from all the evidence, beyond a reasonable doubt, that the defendant is guilty of the offense charged, they should acquit, the word 'should' is not used in an advisory sense but has the force or meaning of 'must', or 'ought to' and carries [***8] with it the sense of [*313] obligation and duty equivalent to compulsion. A natural sense of sympathy for a few unfortunate claimants who have been injured while doing something in direct violation of law must not be so indulged as to fritter away, or nullify, provisions which have been enacted to safeguard and protect the welfare of thousands who are engaged in the hazardous occupation of mining.

“Should” doesn’t require certainty

Black’s Law 79 (Black’s Law Dictionary – Fifth Edition, p. 1237)

Should. The past tense of shall; ordinarily implying duty or obligation; although usually no more than an obligation of propriety or expediency, or a moral obligation, thereby distinguishing it from “ought.” It is not normally synonymous with “may,” and although often interchangeable with the word “would,” it does not ordinarily express certainty as “will” sometimes does.

Should requires immediate action

Summers 94 (Justice – Oklahoma Supreme Court, “Kelsey v. Dollarsaver Food Warehouse of Durant”, 1994 OK 123, 11-8, <http://www.oscn.net/applications/oscn/DeliverDocument.asp?CiteID=20287#marker3fn13>)

¶4 The legal question to be resolved by the court is whether the word "should"13 in the May 18 order connotes futurity or may be deemed a ruling *in praesenti*.14 The answer to this query is not to be divined from rules of grammar;15 it must be governed by the age-old practice culture of legal professionals and its immemorial language usage. To determine if the omission (from the critical May 18 entry) of the turgid phrase, "and the same hereby is", (1) makes it an *in futuro* ruling - i.e., an expression of what the judge will or would do at a later stage - or (2) constitutes an *in praesenti* resolution of a disputed law issue, the trial judge's intent must be garnered from the four corners of the entire record.16

[CONTINUES – TO FOOTNOTE]

13 "Should" not only is used as a "present indicative" synonymous with *ought* but also is the past tense of "shall" with various shades of meaning not always easy to analyze. See 57 C.J. Shall § 9, Judgments § 121 (1932). O. JESPERSEN, GROWTH AND STRUCTURE OF THE ENGLISH LANGUAGE (1984); St. Louis & S.F.R. Co. v. Brown, 45 Okl. 143, 144 P. 1075, 1080-81 (1914). For a more detailed explanation, see the Partridge quotation *infra* note 15. Certain contexts mandate a construction of the term "should" as **more** than merely indicating preference or *desirability*. Brown, *supra* at 1080-81 (jury instructions stating that jurors "should" reduce the amount of damages in proportion to the amount of contributory negligence of the plaintiff was held to imply an *obligation and to be more than advisory*); Carrigan v. California Horse Racing Board, 60 Wash. App. 79, 802 P.2d 813 (1990) (one of the Rules of Appellate Procedure requiring that a party "should devote a section of the brief to the request for the fee or expenses" was interpreted to mean that a party is under an *obligation* to include the requested segment); State v. Rack, 318 S.W.2d 211, 215 (Mo. 1958) ("should" would mean the same as "shall" or "must" when used in an instruction to the jury which tells the triers they "should disregard false testimony"). 14 *In praesenti* means literally "at the present time." BLACK'S LAW DICTIONARY 792 (6th Ed. 1990). In legal parlance the phrase denotes that which in law is presently or **immediately effective**, as opposed to something that will or would become effective **in the future** [*in futuro*]. See Van Wyck v. Knevals, 106 U.S. 360, 365, 1 S.Ct. 336, 337, 27 L.Ed. 201 (1882).

Should doesn't mean immediate

Dictionary.com – Copyright © 2010 – <http://dictionary.reference.com/browse/should>

should /ʃʊd/ Show Spelled[shood] Show IPA –auxiliary verb 1. pt. of shall. 2. (used to express condition): Were he to arrive, I should be pleased. 3. must; ought (used to indicate duty, propriety, or expediency): You should not do that. 4. would (used to make a statement less direct or blunt): I should think you would apologize. Use should in a Sentence See images of should Search should on the Web Origin: ME sholde, OE sc (e) olde; see shall —Can be confused: could, should, would (see usage note at this entry). —Synonyms 3. See must1 . —Usage note Rules similar to those for choosing between shall and will have long been advanced for should and would, but again the rules have had little effect on usage. In most constructions, would is the auxiliary chosen regardless of the person of the subject: If our allies would support the move, we would abandon any claim to sovereignty. You would be surprised at the complexity of the directions. Because the main function of should in modern American English is to express duty, necessity, etc. (You should get your flu shot before winter comes), its use for other purposes, as to form a subjunctive, can produce ambiguity, at least initially: I should get my flu shot if I were you. Furthermore, should seems an affectation to many Americans when used in certain constructions quite common in British English: Had I been informed, I should (American would) have called immediately. I should (American would) really prefer a different arrangement. As with shall and will, most educated native speakers of American English do not follow the textbook rule in making a choice between should and would. See also shall. Shall –auxiliary verb, present singular 1st person shall, 2nd shall or (Archaic) shalt, 3rd shall, present plural shall; past singular 1st person should, 2nd should or (Archaic) shouldst or should-est, 3rd should, past plural should; imperative, infinitive, and participles lacking. 1. plan to, intend to, or expect to: I shall go later.

SUBSTANTIALY

MEANING DEPENDS ON CONTEXT

Substantially is a relative, depends on context

Words and Phrases 64 (Vol. 40, p. 816)

The word "substantially" is a relative term and should be interpreted in accordance with the context of claim in which it is used. Moss v. Patterson Ballagh Corp. D.C.Cal., 80 P.Supp. C10, 637.

Meaning of substantial depends on context

Words & Phrases 64 (p.759)

"Substantial" is a relative term, the meaning of which is to be gauged by all the circumstances surrounding the transaction, in reference to which the expression has been used. It imports a considerable amount or value in opposition to that which is inconsequential or small.

Substantially should be judged by its field context

Devinsky 2 (Paul, "Is Claim "Substantially" Definite? Ask Person of Skill in the Art", IP Update, 5(11), November, http://www.mwe.com/index.cfm/fuseaction/publications.nldetail/object_id/c2c73bdb-9b1a-42bf-a2b7-075812dc0e2d.cfm)

In reversing a summary judgment of invalidity, the U.S. Court of Appeals for the Federal Circuit found that the district court, by failing to look beyond the intrinsic claim construction evidence to consider what a person of skill in the art would understand in a "technologic context," erroneously concluded the term "substantially" made a claim fatally indefinite. Verve, LLC v. Crane Cams, Inc., Case No. 01-1417 (Fed. Cir. November 14, 2002). The patent in suit related to an improved push rod for an internal combustion engine. The patent claims a hollow push rod whose overall diameter is larger at the middle than at the ends and has "substantially constant wall thickness" throughout the rod and rounded seats at the tips. The district court found that the expression "substantially constant wall thickness" was not supported in the specification and prosecution history by a sufficiently clear definition of "substantially" and was, therefore, indefinite. The district court recognized that the use of the term "substantially" may be definite in some cases but ruled that in this case it was indefinite because it was not further defined. The Federal Circuit reversed, concluding that the district court erred in requiring that the meaning of the term "substantially" in a particular "technologic context" be found solely in intrinsic evidence: "While reference to intrinsic evidence is primary in interpreting claims, the criterion is the meaning of words as they would be understood by persons in the field of the invention." Thus, the Federal Circuit instructed that "resolution of any ambiguity arising from the claims and specification may be aided by extrinsic evidence of usage and meaning of a term in the context of the invention." The Federal Circuit remanded the case to the district court with instruction that "[t]he question is not whether the word 'substantially' has a fixed meaning as applied to 'constant wall thickness,' but how the phrase would be understood by persons experienced in this field of mechanics, upon reading the patent documents."

Substantially must be given meaning

CJS 83 Corpus Juris Secundum, 1983 , 765.

"Substantially. A relative and elastic term which should be interpreted in accordance with the context in which it is used. While it must be employed with care and discrimination, it must, nevertheless, be given effect." 48

DEFINITIONS OF SUBSTANTIAL APPLY

Definitions of substantial apply – substantially is in a substantial manner

Watson 2k James L Watson, Senior Judge, UNITED STATES COURT OF INTERNATIONAL TRADE, May 23, http://www.cit.uscourts.gov/SlipOpinions/Slip_op00/00-57.pdf, CMR)

In T.D. 92-108, Customs notes: “[n]one of the definitions [submitted to Customs] actually quantify ‘substantial.’ It is always expressed in other terms which clearly convey the meaning. Certainly, a 40% encirclement is a substantial encirclement of the perimeter of the shoe in that it conforms exactly to the dictionary definitions of ‘substantial’ by being ample, considerable in quantity, significantly large and largely, but not wholly that which is specified.” 26 Cust. Bull. at 366. When the term “substantially” is used as an adverb preceding a verb, the term means “in a substantial manner: so as to be substantial.” Webster’s Third New International Dictionary of the English Language Unabridged (1968).

WITHOUT EXCEPTION

Substantially means without material qualification

Black's Law Dictionary 90 (Black's Law Dictionary, 1990, 6th Ed., p. 1428–29)

Substantially. Essentially; without material qualification; in the main; in substance; materially; in a substantial manner. About, actually, competently, and essentially. *Gilmore v. Red Top Cab Co. of Washington*, 171 Wash. 346, 17 P.2d 886, 887.

Substantially means across the board

Anderson et al 5 Brian Anderson, Becky Collins, Barbara Van Haren & Nissan Bar-Lev, *Wisconsin Council of Administrators of Special Services (WCASS)* Committee Members. 2005 WCASS Research / Special Projects Committee* Report on: A Conceptual Framework for Developing a 504 School District Policy <http://www.specialed.us/issues-504policy/504.htm#committee>

The issue “Does it substantially limit the major life activity?” was clarified by the US Supreme Court decision on January 8th, 2002, “*Toyota v. Williams*”. In this labor related case, the Supreme Court noted that to meet the “substantially limit” definition, the disability must occur **across the board** in multiple environments, not only in one environment or one setting. The implications for school related 504 eligibility decisions are clear: The disability in question must be manifested in all facets of the student’s life, not only in school.

Substantially refers to a full class or a broad range over different classes

O'Connor 2 Justice O'Connor delivered the opinion of the Court. SUPREME COURT OF THE UNITED STATES No. 00—1089 TOYOTA MOTOR MANUFACTURING, KENTUCKY, INC., PETITIONER v. ELLA WILLIAMS ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT [January 8, 2002] <http://www.law.cornell.edu/supct/html/00-1089.ZO.html>

The Court of Appeals relied on our opinion in *Sutton v. United Air Lines, Inc.*, for the idea that a “class” of manual activities must be implicated for an impairment to substantially limit the major life activity of performing manual tasks. 224 F.3d, at 843. But *Sutton* said only that “[w]hen the major life activity under consideration is that of working, the statutory phrase ‘substantially limits’ requires ... that plaintiffs allege that they are unable to work in a broad class of jobs.” 527 U.S., at 491 (emphasis added). Because of the conceptual difficulties inherent in the argument that working could be a major life activity, we have been hesitant to hold as much, and we need not decide this difficult question today. In *Sutton*, we noted that even assuming that working is a major life activity, a claimant would be required to show an inability to work in a “broad range of jobs,” rather than a specific job. *Id.*, at 492. But *Sutton* did not suggest that a class-based analysis should be applied to any major life activity other than working. Nor do the EEOC regulations. In defining “substantially limits,” the EEOC regulations only mention the “class” concept in the context of the major life activity of working. 29 CFR § 1630.2(j)(3) (2001) (“With respect to the major life activity of working[,] [the term substantially limits means significantly restricted in the ability to perform either a class of jobs or a broad range of jobs in various classes as compared to the average person having comparable training, skills and abilities”). Nothing in the text of the Act, our previous opinions, or the regulations suggests that a class-based framework should apply outside the context of the major life activity of working.

NOT ALL, ESSENTIAL, MAIN, REAL, DURABLE

Substantially does not mean all

Justice **Berdon**, 8-24-99, Supreme Court of Connecticut, 250 Conn. 334; 736 A.2d 824; 1999 Conn. LEXIS 303

In addition, the plain meaning of "substantially" does not support the defendant's arguments. Black's Law Dictionary (6th Ed. 1990) defines "substantially" as "essentially; without material qualification; in the main . . . in a substantial manner." Likewise, "substantial" is defined as, "of real worth and importance; of considerable value; valuable. Belonging to substance; actually existing; real; not seeming or imaginary; not illusive; solid; true; veritable. . . . Synonymous with material." (Citations omitted.) Id. Thus, the requirement of a "substantial" association creates a threshold far below the exclusive or complete association argued by the defendant.

Substantially means the essential

Words & Phrases, 64, 818.

"The word 'substantially,' in Code, § 1246, subd. 7, providing that certificates of the examination of married women should be substantially according to a form prescribed in the statute, is used 'as it often is, in the sense of comprehending the form given: all that is necessary or essential.' Lineberger v. Tidwell, 10 S.E. 75 8, 761, 104 N.C. 506."

Substantially means the essential part

Words & Phrases, 64, 818.

"'Substantially' means in substance; in the main; essentially; by including the material or essential part. Town of Checotah v. Town of Eufaula, 119 P. 1014, 1019, 31 Okl. 85; Vannest v. Murphy, 112 N.W. 236, 238, 135 Iowa, 123. See, also, Electric Candy Mach. Co. v. Morris, 156 F. 972, 974; Elsfeld v. Kenworth, 50 Iowa, 389, 390."

Substantial means the main or most important

Cambridge Advanced Learner's Dictionary, 2004 <http://dictionary.cambridge.org/define.asp?key=79480&dict=CALD>

substantial (GENERAL) [Show phonetics] adjective [before noun] FORMAL relating to the main or most important things being considered: The committee were in substantial agreement (= agreed about most of the things discussed).

"Substantial" means in the main

Words and Phrases 2 (Volume 40A, p. 469)

Ill.App.2 Dist. 1923 "Substantial" means in substance, in the main, essential, including material or essential parts

Ballantine's Law Dictionary (3rd edition, 1969 , p. 1232)

Substantially . In the main. Essentially.

"Substantial" means actually existing, real, or belonging to substance

Words and Phrases 2 (Volume 40A) p. 460

Ala. 1909. "Substantial" means "belonging to substance: actually existing: real; *** not seeming or imaginary; not elusive; real; solid; true; veritable

"Substantial" means having substance or considerable

Ballentine's 95 (Legal Dictionary and Thesaurus, p. 644)

Substantial - having substance: considerable

Substantially means in substance

Words & Phrases, 64, 818.

"'Substantially' means in substance; in the main; essentially; by including the material or essential part. Town of Checotah v.

Town of Eufaula, 119 P. 1014, 1019, 31 Okl. 85; Vannest v. Murphy, 112 N.W. 236, 238, 135 Iowa, 123. See, also, Electric Candy Mach. Co. v. Morris, 156 F. 972, 974; Elsfeld v. Kenworth, 50 Iowa, 389, 390.”

“Substantially” means durable

Ballantine’s 94 (Thesaurus for Legal Research and Writing, p. 173)

substantial [sub . stan . shel] *adj.* abundant, consequential, durable, extraordinary, heavyweight, plentiful (“a substantial supply”); actual, concrete, existent, physical, righteous, sensible, tangible (“substantial problem”); affluent, comfortable, easy, opulent, prosperous, solvent.

IMPORTANT, CONSIDERABLE, LARGE

Substantial means important

Christine **Lindberg**, 2007 (Managing Editor), OXFORD COLLEGE DICTIONARY, 2nd Ed., 07, 1369. (NY: Sparks Publishing) Substantial: Important in material or social terms

Substantial means considerable in importance

THE **AMERICAN HERITAGE** DICTIONARY OF THE ENGLISH LANGUAGE, 4th Edition, 2006, 1727.

Substantial: Considerable in importance, value, degree, amount, or extent: won by a substantial margin.

Substantial means considerable

Words & Phrases, 7

WORDS AND PHRASES CUMULATIVE SUPPLEMENTARY PAMPHLET, 2007, Vol. 40B, 07, 95.

The term "substantially" in the ADA means considerable or to a large degree. Heiko v. Colombo Savings Bank.

Substantial means of considerable value

Michael **Agnes**, 2006 (Editor-In-Chief), WEBSTER'S NEW WORLD COLLEGE DICTIONARY, 4TH EDITION, 06, 1428. (Cleveland, OH: Wiley)

Substantial: of considerable worth or value.

"Substantial" means of real worth or considerable value --- this is the usual and customary meaning of the term

Words and Phrases 2 (Volume 40A, p. 458)

D.S.C. 1966. The word "substantial" within Civil Rights Act providing that a place is a public accommodation if a "substantial" portion of food which is served has moved in commerce must be construed in light of its usual and customary meaning, that is, something of real worth and importance; of considerable value; valuable, something worthwhile as distinguished from something without value or merely nominal

Substantial Means Large

Michael **Agnes**, 2006 (Editor-In-Chief), WEBSTER'S NEW WORLD COLLEGE DICTIONARY, 4TH EDITION, 06, 1428. (Cleveland, OH: Wiley)

Substantial: considerable; ample; large.

Substantially means to a great or significant extent:

Christine **Lindberg**, 2007 (Managing Editor), OXFORD COLLEGE DICTIONARY, 2nd Ed., 07, 1369. (NY: Sparks Publishing)

Substantially: to a great or significant extent.

Substantial means of considerable size

Christine **Lindberg**, 2007 (Managing Editor), OXFORD COLLEGE DICTIONARY, 2nd Ed., 07, 1369. (NY: Sparks Publishing)

Substantial: of considerable importance; size; or worth

Substantially means to a great extent

Wordnet, 03 (Princeton University, version 2.0, <http://dictionary.reference.com/browse/substantially>)

substantiallyadv 1: to a great extent or degree: "I'm afraid the film was well over budget"; "painting the room white made it seem considerably (or substantially) larger"; "the house has fallen considerably in value"; "the price went up substantially" [syn: well, considerably] 2: in a strong substantial way; "the house was substantially built"

Substantially increase means by a large amount

NRC 3 (Office of Nuclear Material Safety and Safeguards Policy and Procedures, April 2003,)

http://www.fontana.org/main/dev_serv/planning/ventana_eir/appendix_e.pdf

"Substantial increase" means "important or significant in a large amount, extent, or degree," and not resulting in insignificant or small benefit to the public health and safety, common defense and security, or the environment, regardless of costs. However, this standard is not intended to be interpreted in a way that would result in disapproval of worthwhile safety or security improvements with justifiable costs.²

"Substantial" means to a large degree --- this common meaning is preferable because the word is not a term of art

Arkush 2 (David, JD Candidate – Harvard University, "Preserving "Catalyst" Attorneys' Fees Under the Freedom of Information Act in the Wake of Buckhannon Board and Care Home v. West Virginia Department of Health and Human Resources", Harvard Civil Rights-Civil Liberties Law Review, Winter, 37 Harv. C.R.-C.L. L. Rev. 131)

Plaintiffs should argue that the term "substantially prevail" is not a term of art because if considered a term of art, resort to Black's 7th produces a definition of "prevail" that could be interpreted adversely to plaintiffs. 99 It is commonly accepted that words that are not legal terms of art should be accorded their ordinary, not their legal, meaning. 100 and ordinary-usage dictionaries provide FOIA fee claimants with helpful arguments. The Supreme Court has already found favorable, temporally relevant definitions of the word "substantially" in ordinary dictionaries: "Substantially" suggests "considerable" or "specified to a large degree." See Webster's Third New International Dictionary 2280 (1976) (defining "substantially" as "in a substantial manner" and "substantial" as "considerable in amount, value, or worth" and "being that specified to a large degree or in the main"); see also 17 Oxford English Dictionary 66-67 (2d ed. 1989) ("substantial": "relating to or proceeding from the essence of a thing; essential"; "of ample or considerable amount, quantity or dimensions"). 101

Something must pass a certain point to be a substantial increase

Markely 09 (P.J., Judge for the Michigan Court of Appeals, "People of the State of Michigan Plaintiff-Appellee V. Robert Alan McReynolds Defendant-Appellant, "June 30, 2009

http://coa.courts.mi.gov/documents/OPINIONS/FINAL/COA/20090630_C282582_51_282582.OPN.PDF)

In MCL 777.37(1)(a), "sadism" is grouped with "torture," "excessive brutality," and "conduct designed to substantially increase the fear and anxiety a victim suffered during the offense." The inclusion of the adjective "excessive" in "excessive brutality" is noteworthy. "Excessive" means going beyond the usual, necessary, or proper limit or degree; characterized by excess." Random House Webster's College Dictionary (1997). Thus, "excessive brutality" -3- implies that there may be brutality in the commission of a crime, but the variable is scored for brutality that is "beyond the usual" occurring in the commission of the crime. Similarly, in the phrase, "conduct designed to substantially increase the fear and anxiety a victim suffered during the offense," the inclusion of the words "substantially increase" is noteworthy. The phrasing implicitly recognizes that there is a baseline level of fear and anxiety a victim suffers during an offense, and the scoring of the variable is appropriate for conduct that is designed to substantially increase that level. This phrasing also suggests that the Legislature intended the scoring to be based on conduct beyond that necessary to commit the offense. The context of the term "sadism" with other terms that contemplate conduct beyond that necessary to commit the offense suggests that the conduct that forms the basis of sadism is conduct that is in addition to that necessary to commit the offense. Thus, "sadism" denotes conduct that exceeds that which is inherent in the commission of the offense.

PERCENTAGES

Substantial means at least 20%

Words & Phrases 67 1967, 758

"Substantial" number of tenants engaged In production of goods for commerce means that at least 20 per cent of building be occupied by tenants so engaged. Ullo v. Smith, D.C.N.Y., 62 F.Supp. 757, 760.

A substantial increase is at least 30%

FOLEY & LARDNER LLP 2004 <http://www.freepatentsonline.com/20060057593.html>

A substantial increase in the amount of a CFTR target segment identified means that the segment has been duplicated while a substantial decrease in the amount of a CFTR target segment identified means that the target segment has been deleted. The term "substantial decrease" or "substantial increase" means a decrease or increase of at least about 30-50%. Thus, deletion of a single CFTR exon would appear in the assay as a signal representing for example of about 50% of the same exon signal from an identically processed sample from an individual with a wildtype CFTR gene. Conversely, amplification of a single exon would appear in the assay as a signal representing for example about 150% of the same exon signal from an identically processed sample from an individual with a wildtype CFTR gene.

Substantially means greater than 50%.

Statement of Considerations,5 "ADVANCE WAIVER OF THE GOVERNMENT'S U.S. AND FOREIGN PATENT RIGHTS AND ADVANCE APPROVAL TO ASSERT COPYRIGHT RIGHTS UNDER SUBCONTACT B554331 ISSUED BY LAWRENCE LIVERMORE NATIONAL LABORATORY TO INTERNATIONAL BUSINESS MACHINES CORPORATION FOR THE BLUEGENE/P DESIGN ARCHITECTURE, PHASE III - PROTOTYPE HARDWARE BUILDOUT AND BLUEGENE/Q - ADVANCED ARCHITECTURAL INVESTIGATIONS; DOE WAIVER NO. W(A) 05-048", 2005,

http://www.gc.energy.gov/documents/WA_05_048_INTERNATIONAL_BUSINESS_MACHINES_Waiver_of_the_Gove.pdf

The Subcontractor agrees to conduct research and development activities under this Subcontract principally in U.S.-based facilities. "Principally" is defined as greater than a ninety (90%) percent level of effort. Subcontractor also agrees that for a period of one (1) year following Subcontract completion, subsequent research and development by the Subcontractor for the purpose of commercializing technologies arising from the intellectual property developed under this Subcontract shall be performed substantially in U.S.-based facilities. "Substantially" is defined as greater than fifty (50%) percent level of effort. The Subcontractor further agrees that any processes and services, or improvements thereof, which shall arise from the intellectual property developed under this Subcontract when implemented outside the U.S., shall not result in a reduction of the Subcontractor's research workforce in the United States. Finally, it is understood between the DOE and the Subcontractor that any subsequent follow-on subcontracts and/or future phases of work under the Government's ASCI Program will be subject to a separate U.S. Competitiveness determination.

Substantially is at least 90%

Words and Phrases, 05 (v. 40B, p. 329)

N.H. 1949. The word "substantially" as used in provision of Unemployment Compensation Act that experience rating of an employer may be transferred to an employing unit which acquires the organization, trade, or business, or "substantially" all of the assets thereof, is an elastic term which does not include a definite, fixed amount of percentage, and the transfer does not have to be 100 per cent but cannot be less than 90 per cent in the ordinary situation. R.L. c 218, § 6, subd. F, as added by Laws 1945, c.138, § 16.

Substantial is 2%

Word and Phrases 1960

"Substantial" means "of real worth and importance; of considerable value; valuable." Bequest to charitable institution, making 1/48 of expenditures in state, held exempt from taxation; such expenditures constituting "substantial" part of its activities. Tax Commission of Ohio v. American Humane Education Soc., 181 N.E. 557, 42 Ohio App.

NOT SET AMOUNT

Substantial means “of considerable amount” --- not some predetermined amount

Prost 4 (Judge – United States Court of Appeals for the Federal Circuit, “Committee For Fairly Traded Venezuelan Cement v. United States”, 6-18, <http://www.ll.georgetown.edu/federal/judicial/fed/opinions/04opinions/04-1016.html>)

The URAA and the SAA neither amend nor refine the language of § 1677(4)(C). In fact, they merely suggest, without disqualifying other alternatives, a “clearly higher/substantial proportion” approach. Indeed, the SAA specifically mentions that no “precise mathematical formula” or “‘benchmark’ proportion” is to be used for a dumping concentration analysis. SAA at 860 (citations omitted); see also *Venez. Cement*, 279 F. Supp. 2d at 1329-30. Furthermore, as the Court of International Trade noted, the SAA emphasizes that the Commission retains the discretion to determine concentration of imports on a “case-by-case basis.” SAA at 860. Finally, the definition of the word “substantial” undercuts the CFTVC’s argument. The word “substantial” generally means “considerable in amount, value or worth.” Webster’s Third New International Dictionary 2280 (1993). It does not imply a specific number or cut-off. What may be substantial in one situation may not be in another situation. The very breadth of the term “substantial” undercuts the CFTVC’s argument that Congress spoke clearly in establishing a standard for the Commission’s regional antidumping and countervailing duty analyses. It therefore supports the conclusion that the Commission is owed deference in its interpretation of “substantial proportion.” The Commission clearly embarked on its analysis having been given considerable leeway to interpret a particularly broad term.

Substantially cannot be determined by percentage tests

Leo ‘8 (Kevin Leo** J.D. Candidate, Spring 2008, Hastings College of the Law. Hastings Business Law Journal Spring, 2008 4 Hastings Bus. L.J. 297 LEXIS)

In contrast, the court in *Haswell v. United States* held that spending over sixteen percent of an organization’s time on lobbying was substantial. n83 The court found that applying a strict percentage test to determine whether activities are substantial would be inappropriate, since [*308] such a test “obscures the complexity of balancing the organization’s activities in relation to its objectives and circumstances in the context of the totality of the organization.” n84

Defining substantial as “considerable” is ambiguous

Stark 97 (Stephen J., “Key Words And Tricky Phrases: An Analysis Of Patent Drafter’s Attempts To Circumvent The Language Of 35 U.S.C.”, *Journal of Intellectual Property Law*, Fall, 5 J. Intell. Prop. L. 365, Lexis)

1. Ordinary Meaning. First, words in a patent are to be given their ordinary meaning unless otherwise defined. 30 However, what if a particular word has multiple meanings? For example, consider the word “substantial.” The Webster dictionary gives eleven different definitions of the word substantial. 31 Additionally, there are another two definitions specifically provided for the adverb “substantially.” 32 Thus, the “ordinary meaning” is not clear. The first definition of the word “substantial” given by the Webster’s Dictionary is “of ample or considerable amount, quantity, size, etc.” 33 Supposing that this is the precise definition that the drafter had in mind when drafting the patent, the meaning of “ample or considerable amount” appears amorphous. This could have one of at least the following interpretations: (1) almost all, (2) more than half, or (3) barely enough to do the job. Therefore, the use of a term, such as “substantial,” which usually has a very ambiguous meaning, makes the scope of protection particularly hard to determine.

Reasonability is insufficient in defining substantial

Brennan 88 (Justice, *Pierce v. Underwood* (Supreme Court Decision), 487 U.S. 552, http://socsec.law.cornell.edu/cgi-bin/foliocgi.exe/socsec_case_full/query=%5Bjump!3A!27487+u!2Es!2E+552+opinion+n1!27%5D/doc/%7B@825%7D?)

The underlying problem with the Court’s methodology is that it uses words or terms with similar, but not identical, meanings as a substitute standard, rather than as an aid in choosing among the assertedly different meanings of the statutory language. Thus, instead of relying on the legislative history and other tools of interpretation to help resolve the ambiguity in the word “substantial,” the Court uses those tools essentially to jettison the phrase crafted by Congress. This point is well illustrated by the Government’s position in this case. Not content with the term “substantially justified,” the Government asks us to hold that it may avoid fees if its position was “reasonable.” Not satisfied even with that substitution, we are asked to hold that a position is “reasonable” if “it has some substance and a fair possibility of success.” Brief for Petitioner 13. While each of the Government’s successive definitions may not stray too far from the one before, the end product is significantly removed from “substantially justified.” I believe that Congress intended the EAJA to do more than award fees where the Government’s position was one having no substance, or only a slight possibility of success; I would hope that the Government rarely engages in litigation fitting that definition, and surely not often enough to warrant the \$ 100 million in attorney’s fees Congress expected to spend over the original EAJA’s 5-year life. My view that “substantially justified” means more than merely reasonable, aside from conforming to the words Congress actually

chose, is bolstered by the EAJA's legislative history. The phrase "substantially justified" was a congressional attempt to fashion a "middle ground" between an earlier, unsuccessful proposal to award fees in all cases in which the Government did not prevail, and the Department of Justice's proposal to award fees only when the Government's position was "arbitrary, frivolous, unreasonable, or groundless." S. Rep., at 2-3. Far from occupying the middle ground, "the test of reasonableness" is firmly encamped near the position espoused by the Justice Department. Moreover, the 1985 House Committee Report pertaining to the EAJA's reenactment expressly states that "substantially justified" means more than "mere reasonableness." H. R. Rep. No. 99-120, p. 9 (1985).

Although I agree with the Court that this Report is not dispositive, the Committee's unequivocal rejection of a pure "reasonableness" standard in the course of considering the bill reenacting the EAJA is deserving of some weight. Finally, however lopsided the weight of authority in the lower courts over the meaning of "substantially justified" might once have been, lower court opinions are no longer nearly unanimous. The District of Columbia, Third, Eighth, and Federal Circuits have all adopted a standard higher than mere reasonableness, and the Sixth Circuit is considering the question en banc. See *Riddle v. Secretary of Health and Human Services*, 817 F.2d 1238 (CA6) (adopting a higher standard), vacated for rehearing en banc, 823 F.2d 164 (1987); *Lee v. Johnson*, 799 F.2d 31 (CA3 1986); *United States v. 1,378.65 Acres of Land*, 794 F.2d 1313 (CA8 1986); *Gavette v. OPM*, 785 F.2d 1568 (CA Fed. 1986) (en banc); *Spencer v. NLRB*, 229 U. S. App. D. C. 225, 712 F.2d 539 (1983). In sum, the Court's journey from "substantially justified" to "reasonable basis both in law and fact" to "the test of reasonableness" does not crystallize the law, nor is it true to Congress' intent. Instead, it allows the Government to creep the standard towards "having some substance and a fair possibility of success," a position I believe Congress intentionally avoided. In my view, we should hold that the Government can avoid fees only where it makes a clear showing that its position had a solid basis (as opposed to a marginal basis or a not unreasonable basis) in both law and fact. That it may be less "anchored" than "the test of reasonableness," a debatable proposition, is no excuse to abandon the test Congress enacted. n2

OCEAN DEVELOPMENT VALUES

A substantial development is worth atleast \$6400

Washington Department of Ecology 13 Department of Ecology, State of Washington 2013

What is "substantial development?" http://www.ecy.wa.gov/programs/sea/sma/st_guide/administration/substantial_development.html

Substantial development is defined in RCW 90.58.030(3) (e)

"Substantial development" shall mean any development of which the total cost or fair market value exceeds five thousand dollars, or any development which materially interferes with the normal public use of the water or shorelines of the state. The dollar threshold established in this subsection (3)(e) must be adjusted for inflation by the office of financial management every five years, beginning July 1, 2007, based upon changes in the consumer price index during that time period. "Consumer price index" means, for any calendar year, that year's annual average consumer price index, Seattle, Washington area, for urban wage earners and clerical workers, all items, compiled by the bureau of labor and statistics, United States department of labor. The office of financial management must calculate the new dollar threshold and transmit it to the office of the code reviser for publication in the Washington State Register at least one month before the new dollar threshold is to take effect. The following shall not be considered substantial developments for the purpose of this chapter:

On September 1, 2007 the substantial development threshold was increased to \$5,718. On September 15, 2012 it was increased to \$6,416.

US ocean economy is over \$250 billion per year

Kildow 14 Dr. Judith T. Kildow, et al, Founding Director, The National Ocean Economics Program (NOEP)—currently based at the Center for the Blue Economy—received her PhD in International Relations and Science Policy from the Fletcher School at Tufts University. She has taught, performed research, published and spoken widely in the fields of marine policy and ocean economics at MIT, Harvard, USC and other universities. Throughout her career she has served government and the private sector in numerous roles. State of the U.S. Ocean and Coastal Economies 2014 Center for the Blue Economy at the Monterey Institute of International Studies http://maine.sierraclub.org/NOEP_National_Report_2014.pdf

In 2010 the ocean economy comprised over 2.7 million jobs and contributed over \$258 billion to the GDP of the United States.

The largest sector by both employment and GDP is the Tourism & Recreation sector, accounting for 1.9 million jobs and \$89 billion in economic output. (Table ES.2).

The US ocean economy is about \$258 billion annually

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In 2010, the ocean economy comprised over 2.7 million jobs and contributed over \$258 billion (1.8 %) to the GDP of the United States (Table 3.2). The largest sector by both employment and GDP is the Tourism & Recreation sector; however, there are large and important differences among the sectors in terms of their contributions to the economy.

3.2. The National Ocean Economy

Table 3.2. Ocean economy by sector, 2010

Sector	Employment	GDP (Billions of Dollars)
Construction	46,390	\$5.51
<u>Living Resources</u>	59,354	<u>\$6.02</u>
<u>Minerals</u>	143,995	<u>\$87.37</u>
Ship & Boat Building	144,066	\$10.84
Tourism & Recreation	1,931,746	\$89.25
Transportation	443,934	\$58.73
Total	2,770,000	\$258.

Ocean economy is ocean industry goods and services

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Ocean Economy The concept of the ocean economy derives from the ocean (or Great Lakes) and its resources being a direct or indirect input of goods and/or services to an economic activity: a) an industry whose definition explicitly ties the activity to the ocean, or b) which is partially related to the ocean and is located in a shore-adjacent zip code. This is defined in part by the definition of an industry in the North American Industrial Classification System¹ (for example, deep sea freight transportation) and partly by geographic location (for example, a hotel in a coastal town).

World ocean economy is about \$3trillion

UNDP 14 United Nations Development Programme, Water and Ocean Governance 2014

http://www.undp.org/content/undp/en/home/ourwork/environmentandenergy/focus_areas/water_and_ocean_governance.html

Globally, the market value of marine and coastal resources and industries is estimated at \$3 trillion per year or about 5% of global GDP, and an estimated 63% of global ‘ecosystems services’ are provided by marine and coastal systems. As much as 40% of the world oceans are considered as ‘heavily affected’ by human activities, including pollution, depleted fisheries, loss of coastal habitats such as coral reefs, mangroves and seagrasses, and by aquatic invasive species.

THE

“The” implies there is only one – as in the USFG.

Cambridge Dictionaries Online, 2007.

The - used to refer to things or people when only one exists at any one time:

the specifies

Random House 6 (Unabridged Dictionary, <http://dictionary.reference.com/browse/the>)

The (used, esp. before a noun, with a specifying or particularizing effect, as opposed to the indefinite or generalizing force of the indefinite article *a* or *an*): the book you gave me; Come into the house.

Indicates a proper noun

Random House 6 (Unabridged Dictionary, <http://dictionary.reference.com/browse/the>)

(used to mark a proper noun, natural phenomenon, ship, building, time, point of the compass, branch of endeavor, or field of study as something well-known or unique): the sun; the Alps; the Queen Elizabeth; the past; the West.

‘The’ means all parts.

Merriam-Webster's Online Collegiate Dictionary, 5

<http://www.m-w.com/cgi-bin/dictionary>

the 4 -- used as a function word before a noun or a substantivized adjective to indicate reference to a group as a whole <the elite>

“The” indicates generic class

Encarta 9 (World English Dictionary, “The”,

<http://encarta.msn.com/encnet/features/dictionary/DictionaryResults.aspx?refid=1861719495>)

2. indicating generic class: used to refer to a person or thing considered generically or universally

- Exercise is good for the heart.
- She played the violin.
- The dog is a loyal pet.

‘The’ depends on context

Words and Phrases ‘8 “The” v41B

Cal.App. 1 Dist. 1932. Meaning of “the” depends on context and purpose of statute in which it is found.—Craig v. Boyes, 11 P.2d 673, 123 Cal. App. 592.—Statut 199.

The is limiting

Words and Phrases ‘8 “The” v41B

Colo. 1969. In construing statute, definite article “the” particularizes the subject which it precedes and is word of limitation as opposed to indefinite or generalizing force of “a” or “an”.—Brooks v. Zabka, 450 P.2d 653, 168 Colo. 265.—Statut 199.

Words and Phrases ‘8 “The” v41B

Colo. 1957. Word “the” is a word of limitation. It is a word used before nouns with a specifying or particularizing effect, apposed to the indefinite or generalizing force of *it*’r “an”.—People v. En-low, 310 P.2d 539, 135 Colo. 249.

‘The’ is restrictive

Words and Phrases ‘8 “The” v41B

Pa. 1988. Fact that legislature, in drafting pension statutes, in one instance used phrase “in service” and hi another used phrase “in the service” connotes distinction in phrases themselves; “the” by its very nature restricts the word “service,” to a particular “service,” and thus, “in the service” permits benefits to be paid to fireman who suffers injuries while member of a

Topicality - Definitions**DDI 2013**

department, while "in service" permits benefits to be paid to a member of a department who suffers injuries while performing his duties. 53 P.S. §§ 771, 39321.—*Chirico v. Board of Sup'rs for Newtown Tp.*, 544 A.2d 1313, 518 Pa. 572.—Mun Corp 200(5).

UNITED STATES FEDERAL GOVERNMENT

USFG is the government established in the constitution

US Legal 13 "Legal Terms, Definitions, and Dictionary" <http://definitions.uslegal.com/u/united-states-federal-government/>
The United States Federal Government is established by the US Constitution. The Federal Government shares sovereignty over the United States with the individual governments of the States of US. The Federal government has three branches: i) the legislature, which is the US Congress, ii) Executive, comprised of the President and Vice president of the US and iii) Judiciary. The US Constitution prescribes a system of separation of powers and 'checks and balances' for the smooth functioning of all the three branches of the Federal Government. The US Constitution limits the powers of the Federal Government to the powers assigned to it; all powers not expressly assigned to the Federal Government are reserved to the States or to the people.

Columbia Encyclopedia '9 <http://education.yahoo.com/reference/encyclopedia/entry/US>

The government of the United States is that of a federal republic set up by the Constitution of the United States, adopted by the Constitutional Convention of 1787. There is a division of powers between the federal government and the state governments. The federal government consists of three branches: the executive, the legislative, and the judicial. The executive power is vested in the President and, in the event of the President's incapacity, the Vice President. (For a chronological list of all the presidents and vice presidents of the United States, including their terms in office and political parties, see the table entitled Presidents of the United States.) The executive conducts the administrative business of the nation with the aid of a cabinet composed of the Attorney General and the Secretaries of the Departments of State; Treasury; Defense; Interior; Agriculture; Commerce; Labor; Health and Human Services; Education; Housing and Urban Development; Transportation; Energy; and Veterans' Affairs. The Congress of the United States, the legislative branch, is bicameral and consists of the Senate and the House of Representatives. The judicial branch is formed by the federal courts and headed by the U.S. Supreme Court. The members of the Congress are elected by universal suffrage (see election) as are the members of the electoral college, which formally chooses the President and the Vice President

Oxford 11 Oxford Advanced Learner's Dictionary 2011 <http://oald8.oxfordlearnersdictionaries.com/dictionary/federal-government>

federal government

(in the US) the system of government as defined in the Constitution which is based on the separation of powers among three branches: the executive, the legislative and the judicial. This system provides a series of checks and balances because each branch is able to limit the power of the others. The executive branch consists of the President and Vice-President, based in the White House in Washington, DC, and government departments and agencies. The President can approve or stop laws proposed by Congress, appoints senior officials, such as heads of government departments and federal judges, and is also Commander-in-Chief of the military forces. There are 15 government departments, the heads of which make up the Cabinet which meets regularly to discuss current affairs and advise the President. The legislative branch is the Congress which is made up of the two houses, the Senate and the House of Representatives which both meet in the Capitol Building in Washington, DC. The main job of Congress is to make laws, but its other responsibilities include establishing federal courts, setting taxes and, if necessary, declaring war. The President and members of Congress are chosen in separate elections. The Senate has 100 members, two from each state, both of whom represent the whole state and are elected for six years. The House of Representatives has 435 members, who are elected every two years. The number of members from each state depends on the population of the state, with larger states divided into districts, each with one representative. The judicial branch of government has three levels: the Supreme Court, 13 courts of appeal and many federal district courts. The Supreme Court has nine members, called justices who are chosen by the President and headed by the Chief Justice. The Supreme Court has the power to influence the law through a process called judicial review.

USFG is the three branches

USA.gov 13 "USA.gov is the U.S. government's official web portal" <http://www.usa.gov/Agencies/federal.shtml>
U.S. Federal Government - The three branches of U.S. government—legislative, judicial, and executive—carry out governmental power and functions.

Omnilexica 13 <http://www.omnilexica.com/?q=federal+government#definition>

1. Federal Government a.k.a. **Federal government of the United States:** The Government of the United States of America is the federal government of the constitutional republic of fifty states that comprise the United States of America, as well as one capitol district, and several other territories. The federal government is composed of three distinct branches: legislative, executive and

Topicality - Definitions

DDI 2013

judicial, which powers are vested by the U.S. Constitution in the Congress, President, and Supreme Court, respectively; the powers and responsibilities are further defined by acts of Congress, including the creation of executive departments and subordinate courts.

also known as United States government, US Government, United States: Federal Government, US Federal government, United States Federal Government, United States, U.S. government, American Government, the United States's government, managing organization for the United States

USFG also includes agencies

Blacks Law 90 Blacks Law Dictionary, 1990 p. 695 "government"

In the United States, government consists of the executive, legislative, and judicial branches in addition to administrative agencies. In a broader sense, includes the federal government and all its agencies and bureaus, state and county governments, and city and township governments.

USFG is the national government

Oran's 2K Oran's Dictionary of the Law 2K Daniel Oran and Mark Toski, eds ebook p. 193

Federal

1. A federal union is two or more states uniting into one strong central government with many powers left to the states.

2. The U.S. federal government is the national, as opposed to state, government. 3. For the various federal agencies that are not listed here or by name, look under their initials at the start of the letter.

Investor Words 13 InvestorWords.com <http://www.investorwords.com/1895/Federal.html>

federal - Pertaining to the national government of a country.

Hill 1 Kathleen Thompson Hill and Gerald N. Hill, The Facts on File Dictionary of American Politics p 103

Federal – pertaining to a national, central government created by a unified group of states.

Collin '98 P.H. Collin, ed, Dictionary of Government and Politics, 2nd edition, 1998 p 128 "government"

Federal government = central government of a federal state.

Federal indicates central government, distinct from the states

Thomson 7 Alex Thomson, A Glossary of US Politics and Government 2007 p 72

federal government The term used to refer to the central, national government of the United States, based primarily in Washington DC. The federal government differs from the fifty state governments in that it has a national jurisdiction, and it governs in separate policy areas from those of the states.

Random House 13 Dictionary.com Unabridged Based on the Random House Dictionary, © Random House, Inc. 2013.

<http://dictionary.reference.com/browse/federal>

fed·er·al [fed-er-uhl] Show IPA adjective

1. pertaining to or of the nature of a union of states under a central government distinct from the individual governments of the separate states, as in federal government; federal system .

2. of, pertaining to, or noting such a central government: federal offices.

Oxford 13 Oxford Dictionaries 2013 <http://oxforddictionaries.com/definition/english/federal>

Definition of federal adjective

1. Having or relating to a system of government in which several states form a unity but remain independent in internal affairs: a federal Europe

2. relating to or denoting the central government as distinguished from the separate units constituting a federation: the health ministry has sole federal responsibility for health care

(Federal) US historical of the Northern states in the Civil War.

WordNet 12 Based on WordNet 3.0, Farlex clipart collection. © 2003-2012 Princeton University, Farlex Inc.

<http://www.thefreedictionary.com/federal>

Adj. 1. federal – national federal - national, especially in reference to the government of the United States as distinct from that of its member units; "the Federal Bureau of Investigation"; "federal courts"; "the federal highway program"; "federal property"

Topicality - Definitions

DDI 2013

national - concerned with or applicable to or belonging to an entire nation or country; "the national government"; "national elections"; "of national concern"; "the national highway system"; "national forests"

2. federal - of or relating to the central government of a federation federal - of or relating to the central government of a federation; "a federal district is one set aside as the seat of the national government"

Central government makes decisions in foreign affairs

Longman 13 Longman Dictionary of Contemporary English 2013 <http://www.ldoceonline.com/dictionary/federal>
fed·e·ral

1 a federal country or system of government consists of a group of states which control their own affairs, but which are also controlled by a single national government which makes decisions on foreign affairs, defence etc:

2 relating to the central government of a country such as the US, rather than the government of one of its states:

federal law

federal taxes

United States is the country that geographically occupies the 50 states it encompasses.

The **American Heritage** Dictionary, bartleby.com/61/, 2000 **2K**

United States of America... A country of central and northwest North America with coastlines on the Atlantic and Pacific oceans. It includes the noncontiguous states of Alaska and Hawaii and various island territories in the Caribbean Sea and Pacific Ocean.

The area now occupied by the contiguous 48 states was originally inhabited by numerous Native American peoples and was colonized beginning in the 16th century by Spain, France, the Netherlands, and England. Great Britain eventually controlled most of the Atlantic coast and, after the French and Indian Wars (1754–1763), the Northwest Territory and Canada.

"United States" means the territory over which the sovereign nation of the "United States" exercises sovereign power

Ballentine's 95 (Legal Dictionary and Thesaurus, p. 689)

United States - the territory over which this sovereign nation called the "United States" exercises sovereign power

United States is one nation

Words and Phrases Second Series, 1914, Updated **1964**, Volume 4, 1905, pg. 1074.

The "United States" are for many important purposes a single nation, and in all commercial regulations we are one and the same people.

Territories are the United States

Title 5 US Code -EXPCITE- TITLE 5 PART III Subpart F CHAPTER 71 SUBCHAPTER I -HEAD- Sec. 7103.

Definitions; application, "The US Code defines the term "United States"" <http://freedom-school.com/code-defines-united-states.pdf>

(18) 'United States' means the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, the Trust Territory of the Pacific Islands, and any territory or possession of the United States.

US is only the states and DC

Legal Information Institute 12 <http://www.law.cornell.edu/uscode/text/26/7701>

USC › Title 26 › Subtitle F › Chapter 79 › § 770 26 USC § 7701 – Definitions (9) United States

The term "United States" when used in a geographical sense includes only the States and the District of Columbia.

"United States" is the USA

Encarta 7 (Dictionary Online, "United States",

<http://encarta.msn.com/encnet/features/dictionary/DictionaryResults.aspx?refid=1861708119>)

Topicality - Definitions

DDI 2013

U·nit·ed States [y n təd stáys] country in central North America, consisting of 50 states.

Languages: English.

Currency: dollar.

Capital: Washington, D.C..

Population: 290,342,550 (2001).

Area: 9,629,047 sq km (3,717,796 sq mi.)

Official name United States of America